



# Social Audit Report

On

National Government Constituency Development Fund (NG-CDF)  
in six (6) Selected Constituencies in Nairobi County.

**September 2022**



Kutoka Network Social Audit FDG on 6<sup>th</sup> May 2022 @ Ruaraka Constituency: Korogocho

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## DEFINITION OF TERMS

**NB:** In this report, the terms used are targeted and may differ from other writings or definitions.

**Community:** Refers to a group of people, community members, or residents who are affected by failures in government service within a particular area and want to join hands to improve this service. Members of this broader community may interact intermittently with the social audit process as interviewees during the evidence-gathering or they may attend the public hearing and share their experiences of the service. According to Section 2 on interpretation in the NG-CDF Act 2015, Community is defined as; *“Residents of a particular geographical area or region defined as a constituency, ward, location, sub location or village and having common interests”*.

**Government:** Refers to the State and the public officers or politicians who are responsible for (duty-bearers), or somehow involved in, the delivery of a service to the relevant community. Politicians are elected or nominated representatives of the people.

**Organized Civil Society:** In Kenya, organized civil society plays an important role in the social audit process. Civil society organizations act as intermediaries, facilitating and supporting the social audit process. Organizations fulfilling this role work closely with communities to assist them during each step of the social audit process. This role can be played by a single organization or by a network of organizations.

**Participants:** Refers to those who take part in the day-to-day implementation of the social audit throughout the process. This is an elected group of individuals, some of whom will come from the affected community, who represent the interests of the wider community. Participants can also include individuals from other communities.

**Social Audit:** Social audit is the process through which all details of a public project are scrutinized at a public meeting. Eavani, F. et al. (2012) define social audit as *“a process in which details of the resources, both financial and non-financial, used by public agencies for development initiatives are shared with the people, often through a public platform. Social audits allow people to enforce accountability and transparency, providing the ultimate users of services and projects with an opportunity to scrutinize development initiatives. It is a form of citizen advocacy based on the power of knowledge and is grounded in the right to information”*.

## **ABBREVIATIONS**

CBO	Community Based Organization
CDF	Constituency Development Fund
CoK	Constitution of Kenya
CSO	Civil Society organization
CSU	Central Server Unit
FGD	Focus Group Discussion
CIMES: County Integrated Monitoring and Evaluation System	
IGBP	Institute of Good Business Practices
KES	Kenya Shillings
KII	Key Informant Interview
MKSS	Mazdoor Kishan Shakti Sangathan
MUHURI	Muslims for Human Rights
NG-CDF	National Government Constituency Development Fund
NGO	Non- Government Organization
NIMES: National Integrated Monitoring and Evaluation System	
ODK	Open Data Kit
ONA	Organized Network Analyzer
PIGs	Public Interest Groups
PTA	Parents and Teachers Association
REESI	Relevance, Efficiency, Effectiveness, Sustainability & Impact
TISA	Institute of Social Accountability

## **Acknowledgement:**

This Social audit Report September 2021 is courtesy of Public Interest Groups [PIGs] in the 6 operation areas of Kutoka Urban Slums Initiative. The data was collected by 12 Research Assistants two in each of the six targeted Constituencies in Nairobi City County [*Kibra, Mathare, Ruaraka, Embakasi North, Embakasi Central and Embakasi South*] who must be recognized for fishing data that was used to compile this Report. They are: *Kakhayanga Damaris, Roselyn Asena, Charles Owino, James Kariuki, Janet Seline, Chrispine Okiya, Stephen Muchoki, David Ojiem, Alex Muindi, Rally Odhiambo, Sherifa Salim and the Late Philomena Kavilo*. My indebtedness goes to the Data analyst Mr. Symon Kisomo for the dedication, work, energy, enthusiasm and time expended, the Kutoka Secretariat led by the Lady Director for availing budget-line funds are available for this noble exercise.

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Asanteni sana and may God Bless us all!



**J. M. MUTANGILI**

Lead Person in the Social Audit exercise

## EXECUTIVE SUMMARY

The Government of Kenya has been spending considerable amount of public funds at the constituency level consisting of monies under the National Government Constituencies Development Fund [NGCDF] Act 215 as Revised Edition 2022 which is not less than 2.5% of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution. The findings of this Social audit confirm the inherent conflict of interest and a blanket of opaqueness implementation of this Fund hence affirming concerns raised by similar reports in other similar social audits reports and a subject of litigation in the High Court.

Social Auditing is an approach to accountability that relies on the engagement of citizens. The driving force behind social auditing is the obligation of duty bearers to take responsibility for their actions. It is a right based approach to accountability based on the fundamental principle that citizens have the right to demand accountability and public officials have an obligation to account. Social Auditing is important because it promotes civic engagement and empowers people; reduces corruption and ensures effective development is realized; increases transparency and accountability for the promotion of good governance. Social auditing also offers mechanisms and structures to promote and protect the right of citizens to development.

The Social audit was preceded by a day-long meeting at Marble Arch Hotel on 19<sup>th</sup> March 2022 with 10 representatives from each of the 6 Kutoka Network target areas. The Social audit teams thereafter undertook field work from the Month of May 2022 and compiled field reports by the end of August 2022. These were then analyzed and prepared into the first draft of the social audit reports and shared directly with official stakeholders and the public through public validation meeting **at Kayole with sample representatives from each of the 6 Constituencies including the Data Collectors** in each constituency. The output of the validation process **will be compiled** and synthesized into **a final report** for public dissemination with the view to promoting prudent use of public finance in Kenya.

### **Data Collection**

A mixed method approach was adopted to collect both quantitative and qualitative data. The study concentrated on the result areas based on the Project objectives and the Terms of Reference [TOR] for the Social audit. The audit employed secondary data extracted from Auditor General Reports, the Kenya Constitution and Laws of Kenya and other relevant documents including government records for comparative purposes.

Detailed social audit questions were developed based on indicators defined in the social audit. Two data collection methods were used in the exercise, the FGDs, and Key Informant Interviews (KIIs). Information was solicited from key informants like some parents, religious leaders, opinion

shapers/local influencers and some County Government officials. Also targeted for interviews were the various Committee Members of the 5 NGCDF Committees created by the NGCDF Act 2015 under Sections, 14, 36, 43, 50 and 53 (i.e. the National Government Constituencies Development Fund Board, Project management committee, the National Government Constituency Development Fund Committee for every constituency, the National Assembly Select Committee and the Constituency Oversight Committee respectively as well as the Members of Parliament from the targeted Constituencies but all gave the noble social audit a wide-berth despite official communication through emails, phone calls and phone messages (letters attached), a solid demonstration of lack of accountability on matters of public finance. In the same vain, the Lead Person was not able to get the views of the Permanent Secretary from; Planning, Finance and Education. Nevertheless, the Lead Person was conscious that the Respondents had a right to accept or decline to be interviewed as an ethical standard requirement but it does not stop the Lead Person from making inferences and informing his or her recommendations.

However, notwithstanding the intransigent of the fore-mentioned key informants, the data collected from the cooperative key informants was used as part of the triangulation process but also enabled fine-tuning of the approaches used for the qualitative studies. A one-day training session was conducted for data enumerators to acquaint them with the Project and objectives of the social audit as well as the tools, instruments, and methodologies. Data collection was done through a mobile app (ONA App) that allowed Real-time relay of collected information and quicker coding and analysis.

### **Data Coding, Cleaning, and Analysis**

Quantitative data collected through structured questionnaires in this mobile app were coded and entered into the SPSS data editor. Afterwards, frequencies were run to determine and correct any data entry errors. Thereafter crosstabs and frequencies were conducted to generate required frequency tables, graphs, and other relevant descriptive statistics, as have been used in this report. Efforts have been made to identify patterns, trends, associations, and causal relationships in the themes.

### **Quality Control, Data Management, and Ethical Considerations**

To enhance the accuracy and validity of primary data, the Social audit exercise had the following key safeguards;

- The recruitment and training of a team of twelve (12) Research Assistants [RA] on basic interview skills, respondent identification procedures, and the use of mobile data collection software/devices. Two days were devoted to this process, and the second day was used for testing the use of the tools and the simulation of actual field scenarios.
- Ensuring that the process of data collection was subjected to a series of back checks for correctness and consistency with the remote assistance of notifications from the data collection platform

- Ensuring that completed responses were immediately uploaded to cloud servers to guard against any losses of data.
- Providing respondents with the opportunity to accept or decline to be interviewed and further assure of confidentiality of responses.
- All RAs had research skills and proved to have participated in similar Data collection exercises. The Lead Person used an established set of RAs who have worked with Kutoka Network in other similar assignments.
- The RAs were assigned specific geographical zones depending on the constituency they came from for which they were responsible for data collection. The six areas were under an overall supervisor who worked closely to monitor the data collection process throughout the exercise. The Lead Person was available to address any challenges and troubleshoot any issues that arose from the use of the data collection app. Further, the Statistician was available throughout the data collection exercise to provide the required technical backstopping as and when this became necessary.
- The digital data collection gadgets had GPS locations tagged to the entire data collection process. This monitored the movement of Research Assistants and located the specific locations from where data was collected. This made it possible for ensuring Quality control purposes.



## CHAPTER ONE: INTRODUCTION

*“In many countries, there is an increased emphasis on words such as participation, transparency, and accountability in governance – social audits brings these words to life.” Mazdoor Kisan Shakti Sangathan (MKSS, 1993)—*

*“Social audit has emerged as a corporate act of business organizations to demonstrate goodwill — or to counter criticism”.  
Institute of Good Business Practice (IGBP, 2011)*

Kutoka Urban Slums Initiative (Kutoka Network) draws on the Social Audit model and follows the traditions established by the Mazdoor Kisan Shakti Sangathan (Association for the Empowerment of Workers and Peasants, or MKSS). MKSS was established in Rajasthan, India in 1990 to strengthen participatory democratic practices. It is one of the most effective social movements in India, best known for successfully achieving the enactment of the Right to Information Act.

Sowmya Kidambi, an activist at MKSS, remembers how they posed one question: *“When government spends public money, why can’t those records be made public?” - MKSS, 1995.*

The MKSS social audit methodology grew from this right-to-information campaign. The records that MKSS managed to secure were closely examined by workers in each village. They found that many of the infrastructural projects only existed on paper, were not completed, or the quality was very poor. Discrepancies between what the records said the workers had been paid and the hours they had worked, and the workers’ actual work time and wages, were also discovered.

Kutoka Network posits that empowerment begins with the community taking the initiative to engage the government. There are daily examples of communities mobilizing and reaching out to the government in innovative ways, through petitions, letters, marches, and meetings. Too often, however, these attempts at participation are misconstrued, attacked, or ignored because the government has not developed the capacity to respond to community-led participation in equally innovative ways. Evidence shows that meaningful community participation and deliberation on all aspects of service delivery; from budgets to contract specifications and performance reviews can significantly improve service delivery. Communities and civil society organizations must persist in their efforts to establish community participation. Tools such as social audits are essential for engaging effectively with the government.

*“Social audits are a powerful tool for communities to engage constructively with the government in contexts where formal participation spaces are largely dysfunctional”. MUHURI, 2007*

A community-led social audit is a vehicle for community organization and empowerment. It is also a process of serious investigation and participation in governance.

*“Social audits offer a forum for communities to articulate their demands and turn public participation and democracy into a reality”. TISA, 2015.*

# THE PRINCIPLES OF SOCIAL AUDITS

## a) Social Audits are led by the Community

Social audits are conducted by residents living in a community and are concerned with issues identified by that community. They are conducted in the language of residents and are inclusive processes in which everybody; especially women, young people, and People with Disability can participate [*The CDF Social Audit Guide Handbook for Communities (OSIEA, 2015)*].

## b) Social Audits Help to Realize Constitutional Rights and Build Community Power

Social audits promote active citizenship and help those who are most vulnerable exercise their constitutional rights. In a highly unequal society, where so many live without access to decent health care, employment, or education, social audits create opportunities for communities to organize themselves and build community power. They are a way for the marginalized to make themselves heard. In the face of unfulfilled promises of justice and equality, social audits allow communities to claim their constitutional right to participate in governance and improve government accountability and performance. In this way, community-led social audits can help poor and working-class people contribute to deepening democracy and improving the lives of all people [*The CDF Social Audit Guide Handbook for Communities (OSIEA, 2015)*].

## c) Social Audits Should be Part of a Broader Advocacy Campaign

Social audits are typically carried out as part of a broader advocacy campaign and cannot be used as an isolated strategy for social change. Social change takes time and single events seldom make a significant and lasting impact. Social audits are most effective when used alongside other advocacy tactics, to draw attention to problems and to build legitimacy for demands [*The CDF Social Audit Guide Handbook for Communities (OSIEA, 2015)*].

## d) Social Audits Gather Evidence and Legitimize Community Experience

Social audits aim to legitimize the experiences and knowledge of the community as forms of evidence. Personal stories and testimonies are central to the evidence base of a social audit. They challenge the hegemonic and technocratic approach of government administrations by placing community experience and knowledge at the center of participation and deliberation. This is an important element of community empowerment that lies at the heart of the social audit methodology. It is also one of the key differences between a survey of a community outside, and a community-led social audit.

### Social Audit Case Studies (*Factors Credited for its Growth*):

**Several factors are credited as having contributed to the significant growth of social audit at present. Some of these factors are:**

- *Investigative reporting by mass media organizations into the impacts, usually negative, of corporations and other institutions on people, the local community, and one environment;*
- *As pressures filed up in the 1980s about the impact of industry on the environment, standards began to be developed requiring companies, and others, to report on the likely and actual environmental ramification of its continued operations.*
- *The growth of interest in ethical investment has led to the need to uncover and better understand just what corporations' do and how they use the funds invested in them.*
- *Consumers themselves, through consumers' organizations, have become more conscious of how their patterns of consumption can affect the actions of corporations and even governments.*
- *The movement of corporate social responsibility has given the impetus to shift from simply doing good things in the community to one that embraces the notion of improved accountability to Stakeholders and the need to explain themselves, if only to maintain a license to operate.*
- *The idea of stakeholders has opened up a new understanding that all organizations affect far more people than was perhaps realized in the past and that these stakeholders have a legitimate right to at least know what is going on or even have some influence on them.*
- *And most recently the introduction of the concept of best value reinforces the legitimacy of recognizing softer outcomes as well as hard outputs at the same time making it more essential that there is some way of accounting for and reporting on that softer performance*

**Source:** *Social Audit Manual: VICTO Social Audit Project Philippines (2009).*

Successful completion and delivery of public-funded projects worldwide experience mixed performance (Kerzner, 2017) and Kenya is not different since the performance of various projects funded using NG-CDF also faces time and cost overruns as well as quality issues (Ndolo, Malala & Njagi, 2015). This is also supported by TISA's (2010) report which indicated that overall, up to 40% of projects funded through NG-CDF in Kenya have stalled. A report by the Auditor General in 2017 indicated anomalies in the spending of public funds on NG-CDF projects, where some expenses were not verified, quality issues were raised and lack of monitoring or weak monitoring processes were deep-rooted. This is a Fund is established under Section 4(1)(a) of the NG-CDF Act 2015 known as the National Government Constituencies Development Fund which is a national government fund consisting of monies of an amount of not less than 2.5% (two and half per centum) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution. Five of the sixteen objectives outlined in Section 3 of the Act are to:

- (a) Provide for the establishment and administration of the Fund;
- c) Facilitate the performance and implementation of national government functions in all parts of the Republic pursuant to Article 6(3) of the Constitution;

- d) Provide for the participation of the people in the determination and implementation of identified national government development projects at the constituency level pursuant to Article 10(2)(a) of the Constitution
- f) Provide for the sustainable development of all parts of the Republic pursuant to Article 10(2) of the Constitution
- k) Provide for mechanisms for supplementing infrastructure development at the constituency level in matters falling within the functions of the national government at that level in accordance with the Constitution;

However, from the onset it is important to state that the Kenya Constitution 2010 does not grant the National Assembly the power to implement projects as a service delivery unit at the county level. Members of the National Assembly are granted the mandate to legislate and oversight the national revenue and its expenditure, period. In other words, the role of a Member of Parliament (MP) is political representation of one of the 290 constituencies, legislation, determination of the allocation of national revenue between the two levels of government and oversight as confirmed by the Supreme Court Judgement delivered on 8<sup>th</sup> August 2022 at Paragraphs 92 and 120 in regard to the constitutionality of the CDF Act 2013 read together with article 95 (1) (2) (3) (4) & (5) of the Kenya Constitution.

As opined by the learned Judges of the Supreme Court on the above Judgement delivered on 8<sup>th</sup> August 2022 in Paragraph 119; the NG-CDF Act 2015 just like CDF Act 2013 vests a service delivery mandate, which is a typical executive branch role on Members of the National Assembly, a deviation from their constitutional mandate as outlined in articles 95 and 96 of the Constitution. In Paragraph 108 the Judges decry the involvement of Members of the National Assembly in CDF implementation since it violates the principle of separation of powers, and it was one of the major grounds that both the High Court and the Supreme Court declared this CDF Act 2013 as unconstitutional.

The Lead Person in this Social Audit is aware that there is a live matter pending in the High Court of Kenya on the constitutionality of the NG-CDF Act 2015 by Wanjiru Gikonyo and another vs. the National Assembly and 4 others under Petition No. 17 of 2016. Nonetheless, without going to the merit or demerit of the Petition, it is important to state that despite the NG-CDF Act 2015 trying to cure the apparent legal deficiencies inherent in the CDF Act 2013 the NG-CDF Act has similar provisions which have the same controversial Sections as the Judges states in Paragraph 14 of the Judgement. For instance the Court of Appeal as captured in Paragraph 42 of the Supreme Court Judgement 2022 says that the provisions of the statute which were declared violative of the Constitution in the CDF Act 2013 had been re-enacted on the NG-CDF Act, 2015 such as Section 24 (3) (c) & (f), 37(1) (a) of the CDF Act 2013 where the MPs are Members of the Fund management Committee. This is replicated in Section 50 of the NG-CDF Act 2015 where the area MP is the Chair

of the Oversight Committee of the NG-CDF kitty implying that the MP is more or less the accounting authority.

## **1.1 BRIEF BACKGROUND**

The Constituency Development Fund (CDF) was established through the CDF Act No. 11 of 2003 as amended by the CDF amendment Act of 2007 and amended further in 2017 (Act No. 30 of 2017) with the current revised edition 2019. The objective and purpose of the Fund, according to Section 3 of the CDF Act 2013 as revised 2019 is to ensure that “...a specific portion of the national annual budget is devoted to the constituencies for purposes of infrastructural development, wealth creation and in the fight against poverty at the constituency level”. While Section 4(1)(a) “...establishes the Fund to be known as the Constituencies Development Fund which shall be a national fund consisting of moneys of an amount of not less than 2.5% (two and half per centum) of all the national government ordinary revenue collected in every financial year. It seeks to ensure that the portion of government revenue is devolved to the 290 constituencies for purposes of bringing development to the grassroots although in the wake of the new constitutional dispensation brought about by the 2010 Constitution, this work can be better done by the County governments who have the primary mandate hence a likely duplication of projects. The fund targets constituency-level development projects to reduce poverty in rural areas and further aims at promoting equity in sharing of national resources by reducing imbalances in regional development. As such, the fund allocation is based on the constituency poverty indices and population figures. Prior to the 2010 Constitution, the fund has been hailed as one of the most innovative creations of the first term of the NARC administration (2003-2007). Unlike other State funding, CDF is sent directly to the constituencies, thus avoiding delays associated with bureaucracy. Spending is decided upon at each of the 290 constituencies through local committees. CDF has created local consumer demand through various projects and funding other local needs, including education, health, and infrastructure.

However, as the Supreme Court Judges state in Paragraph 132 of their Judgement on the constitutionality of CDF, “*The longevity of a practice does not cloak the practice with constitutional legitimacy. It is only when the courts pronounce themselves on the constitutionality of a legislation or a conduct that their constitutionality can be established. Therefore, the facts that the CDF has been operational in this country since 2003 is not a good enough answer to the question on the constitutionality of the Fund in the post-2010 constitutional dispensation*”. Nevertheless, as argued above, the Court in Paragraph 106 appreciates the concerns that motivated the creation of the CDF and public support for it despite the fact that there are more effective ways of decentralizing funding to the local level without compromising on key constitutional principles like those of public finance and separation of powers hence jeopardizing tenets of accountability and good governance. Ironically, the NG-CDF Act 2015 under Section 3 (o)

seeks to build local accountability and transparency in the use of resources but the way the Fund is structured cannot help to realize these noble objectives.

In spite of its overwhelming support by the Members of Parliament, the High Court through a judgment delivered on 20<sup>th</sup> February 2015 determined that the CDF Act 2013 was unconstitutional with a grace period to Parliament to correct its unconstitutionality as stated in Paragraph 6 of the Supreme Court Judgement 2022. But on the deadline day of the grace period the National Assembly enacted the National Government Constituencies Development Fund [NG-CDF] Act No. 30 of 2015 which was lastly revised 2022 but did not contain an express repeal clause to replace the CDF Act 2013 as captured in Paragraph 42 of the Supreme Court Judgement. Like the CDF Act 2013 and as the Learned Judges acknowledge in Paragraph 53, a plain reading of Section 3 of the NGCDF Act, 2015 reveals that it recognizes a constituency as a unit for performance and implementation of national government functions including infrastructural development. This provision mirrors Section 3 of the CDF Act 2013 which provides that a section of the national annual budget is devoted to the constituencies for purposes of infrastructural development. Therefore, the learned Judges conclude in Paragraph 127 that the CDF creates a conflict of interest with the Member of Parliament's oversight role. They go on to reason that the very fact that the success or failure of the CDF Fund will be linked to the Member of the National Assembly creates a perverse incentive of self-interest in the Members of the National Assembly not to undertake the robust oversight mandate-envisaged by the Constitution over the Fund thus inimical to the national values and principles of accountable and good governance.

As affirmed by the Supreme Court Judgement in Paragraph 53; *“A plain reading of Section 3 of the NGCDF Act, 2015 reveals that it recognizes a constituency as a unit for performance and implementation of national government functions including infrastructural development. We note this provision mirrors Section 3 of the CDF Act 2013 which provides that a section of the national annual budget is devoted to the constituencies for purposes of infrastructural development. This means that the NGCDF Act, 2015 does not unequivocally address the illegalities issues in CDF Act 2013.*

In Paragraph 71, the 5-bench Judge of the Supreme Court concur that *“Some of the functions contemplated under Section 3 of the CDF Act 2013 and replicated in NGCDF Act, 2015 such as infrastructural development and the fight against poverty are also functions bestowed upon the county government under Part 2 of the Fourth Schedule to the Constitution. Infrastructural development such as roads, health, agriculture, and trade are functions that are conferred upon both the national and county governments. However, these functions are distinct with each level of government given a specific area of operation. It means that the service delivery mandate, which in its essence is an executive function, relating to functions assigned to the county governments ought to be exercised by the County Executive Committee. Therefore as argued by the Appellants in Paragraph 84 the Acts of Parliament fails to respect the vertical division of functions between the national government and the county governments as*

envisaged under the devolved system of government and thus contrary to the terms of the Constitution.

A Member of Parliament cannot oversee the implementation or coordination of the projects and at the same time offer oversight over the same projects as envisaged in Section 50 of the NG-CDF. This NG-CDF Act 2015 structure violates the constitutional principles on public finance, particularly the principle of prudent and responsible management of public funds as enshrined in Article 201(d) of the Constitution. The learned Judges of the Supreme Court conclude that allowing legislators any role, even a merely ceremonial role in discharging a mandate that belongs to the executive branch at either the national or the county level, would promote conflict of interest and compromise their oversight role outlined in article 95 of the Constitution.

In addition to the above, data collected established that there are concerns that NG-CDF monies are not managed transparently and adding that many NG-CDF projects were not useful to local communities; and besides that local communities were not sufficiently involved in its management. As state above, the Auditor General has highlighted numerous cases of falsified accounts and fraudulent records, including, fabricated records of construction works that have not been undertaken at all (ghost works), fraudulent billing for project activities, falsified labour rolls, unaccounted beneficiaries of bursary given under the NG-CDF.

## **1.2 THE ASSIGNMENT**

In implementing the Kutoka Network grant Project dubbed “*Enhancing the Knowledge of Wakaazi in 5 self-organized Settlements to engage with their leaders and make them more Answerable*” (Project No. 141-001-1245) one of the Project desires was to *see an increasing number of Citizens (wakaazi) participating in leadership and development decision-making processes in their self-organized settlements and dare to question their leaders and hold them accountable.*

*Indicator 1. b: The number of wakaazi participating actively in the leadership and develop decision-making making process confirm they would dare to question their leaders if a there is need to do so.*

In 2019, Kutoka Network undertook a baseline survey on the awareness levels of Devolved Funds and the existence of management structures and systems of the funds in 6 Constituencies in Nairobi County. From the findings, cumulative levels of awareness for NG-CDF (*but locally still referred as CDF*) was 64% with Embakasi Central Constituency recording the highest level of awareness (62.5%) followed by Embakasi North and Ruaraka Constituencies (56.25%), Embakasi South Constituency (43.75%) and both Mathare and Kibra Constituencies (25%). Among the randomized population, 10.7% had heard of NG-CDF and 35% knew where to find the NG-CDF (MP’s Office). However, the respondents seemed not to understand the difference between the NG-CDF office and MP’s Office. On involvement, 23.4% of the respondents did not feel involved in the management of the fund at all,

36.7% felt that cronies to the MP and party loyalists were deeply involved while 11.4% of the respondents felt involved.

In terms of access to the funds, a paltry 8.8% of the respondents felt that NG-CDF was accessible and 31.6% of the respondents felt that NG-CDF was clad in secrecy, corruption, and tribalism. These findings informed the need to undertake a Social Audit on one of the NG-CDF in the six (6) Constituencies in Nairobi County where Kutoka Network operates.

### 1.2.1 THE OBJECTIVES OF THE KUTOKA NETWORK SOCIAL AUDIT

- a) To examine the legal and institutional frameworks as well as the obligatory, systemic, and procedural steps that NGCDF committees followed in the implementation of the projects.
- b) To measure the extent to which the project activities were conducted in a transparent and participatory manner.
- c) To interrogate all project activities and service delivery performance for determining the extent to which the project has contributed to the overall socio-economic improvement of the constituents.
- d) To assess the engagement of beneficiaries and stakeholders in the project monitoring and evaluation.

### 1.2.2 SUMMARY QUESTIONS

<b>Objective</b>	<b>Social Audit questions</b>
<b>Objective 1</b> <i>To examine the legal and institutional frameworks as well as the obligatory, systemic, and procedural steps that NGCDF committees followed in the implementation of the projects</i>	<i>1.1 Was the Project in line with NGCDF Act No. 30 of 2015 provisions?</i>
	<i>1.2 Did the Project procurement process follow the Public Procurement and Disposal Act No. 33 of 2015?</i>
	<i>1.3 Was the Project scrutinized and approved for funding as per NGCDF Act No. 30 of 2015?</i>
	<i>1.4 Did the chairman of the NGCDF Constituency committee convened an open forum to deliberate on development matters in the constituency and as such was this project identified through such a forum?</i>
	<i>1.5 Did the NGCDF Board considered the project proposal submitted from this Constituency for funding approval from such consideration, this project was conceptualized?</i>
	<i>1.6 Did the Constituency Committee deliberate on Project proposals from the wards in the Constituency?</i>
	<i>1.7 Did the National Assembly establish a Select committee on the NGCDF?</i>
	<i>1.8 Did the National Assembly consider reports received from the Board and table the report to the National Assembly?</i>
	<i>1.9 Did the area MP in consultation with the Constituency Oversight Committee convene a meeting at the beginning of the financial year to mobilize and sensitize the constituents on matters related to the fund and solicited their views?</i>
	<i>1.10 Did the Board with the approval of the select committee of the National Assembly allocate funds for this Project in the financial year under review?</i>



	<p>1.11 Did the NGCDF Board make regulations prescribing the manner of selection, the procedure for appointment, qualification of members and the removal of members of both the Constituency Committees and the Project management committees?</p> <p>1.12 Did NGCDF Board receive and address complaints that arose from the implementation of the Project?</p> <p>1.13 Does the NGCDF Board have internal control systems to address budgetary controls and performance?</p> <p>1.14 Does the NGCDF Board have an expenditure framework to support the Constituency Committees on budget absorption aimed at realizing efficiency and effectiveness?</p>	
<p><b>Objective 2:</b> To Measure the extent to which the Project activities were conducted in a transparent and participatory manner</p>	<p><b>Social Audit questions</b></p> <p>2.1 Was there a public notice inviting the constituents to a public meeting?</p> <p>2.2 Did the meeting represent major stakeholders from the constituency?</p> <p>2.3 Was there a rating and ranking of the projects to qualify this project?</p> <p>2.4 Were the stakeholders invited to an inception meeting</p> <p>2.5 Were issues of concern raised and thrashed?</p> <p>2.6 Were there call for bids/ expression of interest/ call for tender in at least 2 dailies with a wider readership in the county?</p> <p>2.7 Was there a procurement meeting and due process followed as stipulated in the Public Procurement and Disposal Act (2015)?</p> <p>2.8 Was there a disbursement or reimbursement schedule?</p> <p>2.9 Did the contractor/supplier agree with the terms contract and duly signed?</p> <p>2.10 Were the work progress and disbursement/ reimbursement schedules duly and faithfully followed?</p>	
	<p><b>Objective</b></p> <p><b>Social Audit questions</b></p>	
	<p><b>Objective 3:</b> To interrogate all project activities and service delivery performance for determining the extent to which the project has contributed to the overall socio-economic improvement of the constituents.</p>	<p>3.1 Has the Project employed young people from the host community?</p> <p>3.2 Did the contractor/suppliers come from and sourced Materials from the host community?</p> <p>3.3 Has the Project increased enrolment and retention rates?</p> <p>3.4 Has the Project increased the number of teachers?</p> <p>3.5 Has the Project increased transition rates?</p> <p>3.6 Has the Project improved performance in National Examinations?</p>
		<p><b>Social Audit questions</b></p> <p>4.1 Did the Community members closely monitor the progress work?</p> <p>4.2 Were issues raised amicably resolved?</p> <p>4.3 Did the inputs from the team inform the evaluation objectives?</p> <p>4.4 Was there a project monitoring committee in place</p> <p>4.5 There were committee meetings where outputs were reviewed as scheduled?</p> <p>4.6 Were there committee meetings where outcomes were reviewed as scheduled?</p> <p>4.7 Were the issues raised during reviews subjected to the public discussion?</p> <p>4.8 Where gaps were identified, were corrective measures introduced?</p>
		<p><b>Objective 4:</b> To assess the engagement of beneficiaries and stakeholders in the project monitoring and evaluation.</p>

## **CHAPTER TWO: METHODOLOGY**

### **2.1 SOCIAL AUDIT PREPARATIONS AND PANNING**

Before settling for the assignment, Kutoka Network conducted extensive preparations which involved establishing the necessary links in the community through Public Interest Groups (PIGS) who were able to identify and engage with appropriate community structures and leaders. Since the PIGs work closely with the community, they needed to establish legitimacy in the community by listening to the community on issues that required audit. This was followed by identifying a focus for the social audit, downloading the Audit Reports (Auditor General Reports) for each of the Constituencies, accessing necessary government documents, and deliberating logistical planning for the audit. After this, Kutoka Network vide the Consultant constituted a core group of Data Collectors to mobilize the relevant stakeholders, engage and agree on dates for the interviews and focus group discussions.

### **2.2. STUDY DESIGN**

The Social Audit adopted an objective viewpoint using a mixed descriptive design as informed by NGCDF Act No. 30 of 2015. The parameters were structured around i) the legal and institutional frameworks as well as the obligatory, systemic, and procedural steps that NGCDF Committees followed in the identification and implementation of the projects; ii) the extent to which the project activities were conducted in a transparent and participatory manner iii) activities and service delivery performance for determining the extent to which the Project contributed to the overall socio-economic improvement of the constituents, and iv) the engagement of beneficiaries and stakeholders in the project monitoring and evaluation.

There were various target audiences that one-size fits strategy was not tenable and a two-pronged was applied. Firstly, the category of male and female; the Key Informant respondents which were largely qualitative and the Focused Group Discussions [FGDs] that broke the issues down using the beneficiary and community lens and taste. A semi-structured questionnaire was administered to the different categories. Since Social Audit by its very nature deals mostly with reports on outputs, the process sought to document what the duty bearers actually did and how they did it. At the most elementary level, social audit may be made only to report on some data, or perhaps some statistics. The task may be quite simple if the data is readily available but at times the data is difficult to find and this calls for knowledge and skill with information sources where much is presented in terms of corollaries.

In this regard, the Social Audit employed both quantitative and qualitative in a descriptive approach to data collection. This was informed by the need to answer on questions of who, what, when, where, and

sometimes how, which involved only single variable frequency distribution and multivariate relationships with inferences or correlations.

The Social Audit has given these in terms of elucidation or extrapolation so that after gaining a handle on these outputs, the natural flow of inquiring mind shifts focus to “so what?” or why certain results happened the way they transpired. In framing the objectives, the concerns shifted to the effects of outputs to the individuals who were direct beneficiaries of the output and to the communities of these individuals. These were brought to perspective by the Focus Group Discussants who aptly pronounced themselves on themes and rubrics of the Social Audit.

### 2.3. STUDY SITES

The Study targeted 6 Constituencies in Nairobi (Ruaraka, Mathare, Kibra, Embakasi South, Embakasi Central and Embakasi North). These were informed by previous working relationships with Kutoka Network and the establishment of Public Interest Groups (PIGs). More specifically, the Audit targeted 6 County Assembly Wards (1 from each of the targeted Constituencies).

The schools selected were informed by secondary data that had indicated that some works had been done in the financial year 2018/2019.

Constituency	Ward	School	No. Classrooms	Population
Embakasi Central	Kayole North	Kayole 1 Primary School	29	2,317
Embakasi South	Kwa Njenga	Kwa Njenga Primary School	23	1,614
Embakasi North	Dandora IV/V	James Gichuru Primary School	27	1,584
Ruaraka	Korogocho	Ngunyumu Primary School	24	1,261
Mathare	Hospital	Mathare Old Primary School	25	1,032
Kibra	Sara n’gombe	Olympic Primary School	33	4,046
			161	11,854

**Source:** <https://primaryschools.co.ke> & <https://www.kenyaprimarieschools.com> as at 11<sup>th</sup> April 2022.

### 2.4 SAMPLING TECHNIQUE AND SAMPLE SIZE

The social audit employed both probabilistic and non-probabilistic sampling techniques.

Non-probabilistic sampling was Convenient Purposive Sampling to identify key informants while Probabilistic – Simple Random Sampling was used for selection of learners both boys and girls for questionnaire interviews and male/ female parents.

Focus Group Discussion sessions were convened in each of the Constituencies where 9 discussants of mixed gender were identified through Convenient Purposive Sampling.

Key Informants were as well identified through Convenient Purposive Sampling as informed by literature review and more specifically the NGCDF Act No. 30 of 215 as revised in 2022 The legal

framework has provided for structures that identify the projects to be funded, structures that receive project proposals, structures that approve the proposals, structures that allocate resources, structures that monitor and evaluate the projects as well as structures that play oversight roles in parliament. Key Informants were identified along these structures.

The simple random technique to identify boys and girls/ male parent and female parent shied away from proportionality but instead adopted the lottery to pick 1 girl/1boy and 1 male parent /1female parent [adopted practice by Singh A., and Masuku M. (2014)].

### 2.3.1 SAMPLE SIZE DETERMINATION

The Lead Person used Slovin's formula

$$n = N/(1+Ne)^2$$

Where N is the total population, e is the margin of error  $\pm 3$  with confidence level of 97%.

### 2.4.2 SAMPLE POPULATION

The Audit randomly picked 2 girls and 2 boys from the 6 targeted schools, 2 male parents and 2 female parents from the target schools. Further, 24 School Committee Members (2 male and 2 female representing special interest or other considerations), 18 NGCDF Constituency committee members (3 from each of the 3 constituency based Committees reflecting heterogeneity and other considerations); 6 Members of the National Assembly (1 from each of the Constituencies), 3 NGCDF Board members and 12 teaching staff [either head teacher or deputy head teacher] as captured in the table below.

Category	Group Targeted	Justification	Number targeted	Sampling method
Learners	Class 8 pupils	Beneficiary	12	Simple random (lottery)
Parents	Male/female	Beneficiary	12	Simple random (lottery)
School committee	Male, female other specified interests	Management at School level	24	Convenient Purposive
NGCDF committee members	Male, female and other specified interests	Fund Approval	2	Convenient Purposive
Teaching staff	Head teacher/deputy head teacher	Management at School level	12	Convenient Purposive
Members of Parliament	Specified	Patron/	0	Convenient Purposive
NGCDF National Board	3 From the Board	Administration of the Fund	0	Convenient Purposive
<b>Total</b>			<b>87</b>	

### **2.4.3 DATA COLLECTION APPROACH AND TECHNIQUE**

The Audit used Balanced Score Card Approach interspersed with qualitative data collection techniques. The Score Card, being a performance metric used to identify, improve, and control projects' various functions and resulting outcomes, assessed how well information was gathered, captured, stored and shared as well as how effectively the beneficiaries used that information to convert it to hold the government accountable.

The card was further used to investigate how well the processes were transparent and accountable. Gaps and bottlenecks were identified and recommendations made to eliminate or narrow them. Since satisfaction is at the core of public funded projects, the scorecard also gauged beneficiary and stakeholder satisfaction with the quality, cost and service as parameters. Accountability cannot be complete without financial data, such as expenditures, financial metrics, financial ratios, and budget variances.

### **2.4.4 DATA COLLECTION TOOLS**

To adequately capture the necessary data, the Audit used various tools which included Key Informant Guide, Focus Group Discussion Schedule,

#### **a) Key Informant Interview Guide.**

KII guide was a digitized semi structured questionnaire that targeted the NGCDF Constituency Committee Members, Members of Parliament, and NGCDF Board members. It was however not possible to administer this tool to the target audience since they gave the Social audit a wide-berth.

The Audit involved 48 of the KII respondents (17 females representing 35.4% and 31 males representing 64.6% of respondents respectively).

#### **b) Mixed Interview Guide**

Mixed Interview guide was a hybrid of KII guide and FGD Schedule that sought to engage the direct beneficiaries. Since the beneficiaries have human stories and some of them were minors, the tool aimed at accommodating “informality” of data gathering while maintaining high levels of credibility. The tool was manual and administered on- as- is - where basis. It was aimed protecting the identity of pupils and parents and make them as anonymous as possible.

### **2.4.5 TECHNIQUE AND APPROACH**

The Social Audit adopted an objective viewpoint using a mixed descriptive design as informed by NGCDF Act No. 30 of 2015. The parameters were structured around i) the legal and institutional frameworks as well as the obligatory, systemic, and procedural steps that NGCDF Committees followed in the identification and implementation of the projects; ii) the extent to which the project activities were conducted in a transparent and participatory manner iii) activities and service delivery performance for determining the extent to which the Project contributed to the overall socio-economic

improvement of the constituents, and iv) the engagement of beneficiaries and stakeholders in the project monitoring and evaluation.

There were various target audiences that one-size fits strategy was not tenable and a two-pronged was applied. Firstly, the category of male and female; the Key Informant respondents which were largely qualitative and the Focused Group Discussions [FGDs] that broke the issues down using the beneficiary and community lens and taste. A semi-structured questionnaire was administered to the different categories. Since Social Audit by its very nature deals mostly with reports on outputs, we sought to document what the duty bearers actually did and how they did it. At the most elementary level, social audit may be made only to report on some data, or perhaps some statistics. The task may be quite simple if the data is readily available but at times the data is difficult to find and this calls for knowledge and skill with information sources where much is presented in terms of corollaries.

In this regard, the Social Audit employed both quantitative and qualitative in a descriptive approach to data collection. This was informed by the need to answer on questions of who, what, when, where, and sometimes how, which involved only single variable frequency distribution and multivariate relationships with inferences or correlations.

The Social Audit has given these in terms of elucidation or extrapolation so that after gaining a handle on these outputs, the natural flow of inquiring mind shifts focus to “so what?” or why certain results happened the way they transpired. In framing the objectives, the concerns shifted to the effects of outputs to the individuals who were direct beneficiaries of the output and to the communities of these individuals. These were brought to perspective by the Focus Group Discussants who aptly pronounced themselves on themes and rubrics of the Social Audit.

#### **2.4.6 SOCIAL AUDIT INSTRUMENTS**

The Social Audit used mixed methodologies for data collection and included literature review, use of Focus Group Discussion guides and Key Informant Interviews schedules.

#### **2.4.7 (I) LITERATURE REVIEW**

In order to bring the subject into perspective, a desk review of various documents that relate to NGCDF Act 2015 were looked into. These included the predecessor CDF Act 2013 as amended by the CDF amendment Act of 2007; then the NGCDF Act 2015, NGCDF regulations, the various articles of the Kenya Constitution such as: 43, 174, 175,176, 186, 202, 203, 204, 206, 207, 215, 217, 218, 259; legal notices No. 147 of 2007, Access to information Act 2016, the Auditor General Annual Reports on NGCDF, Social audit report by MUHURI among others. The Acts of Parliament provided understanding of the systems, procedures and structures put in place in the management of NGCDF.

## **(II) KEY INFORMANT INTERVIEWS (KII)**

Ensuring that persons in policy formulation and decision-making spaces who are important in guaranteeing that awareness and access to devolved funds are enhanced. The study involved 48 of the KII respondents (17 females representing 35.4% and 31 males representing 64.6% of respondents respectively).

## **(III) Focus Group Discussion**

Six (6) Focus Group Discussions (1 in each of the target Constituencies) were held bringing together fifty (50) members (28 males and 22 females).

Region/Constituency	Number of FGD	Number of participants	Male	Female
<b>Kibra</b>	1	7	5	2
<b>Ruaraka</b>	1	6	3	3
<b>Embakasi Central</b>	1	9	4	5
<b>Embakasi South</b>	1	8	3	5
<b>Embakasi North</b>	1	11	3	8
<b>Mathare</b>	1	9	6	3
<b>Total</b>	<b>6</b>	<b>50</b>	<b>24</b>	<b>26</b>

### **2. 4.8 TRAINING OF RESEARCH ASSISTANTS**

Prior to data collection, 12 research assistants (see annex----) underwent 1-day of training on 4<sup>th</sup> May 2022 at St. Johns' Sports Society [SSS] Hall-Korogocho.

The training focused on the study areas, study background, sample and sampling procedures, interviewing techniques, and familiarization with the data collection tools (KII guides, and FGD guides); there was a pre-test of the tools and experimentation of data collection in a similar set up within the area using simulation modeling.

This entailed role modeling, scenario setting and case management. After the pre-test, a debriefing session was conducted with the research assistants to check for understanding of questionnaires and procedures of data collection and also final improvement of the data tools according to the pre-test findings.

### **2.4.9 LOGISTICS AND COMMUNICATION**

The Survey covered a vast area and as such, Kutoka Network Lead Person found it deeming to set up a WhatsApp group to manage communication dedicated for this assignment. To reduce on time wastage,

all the research assistants were assigned within their areas of residence. This ensured a good understanding of the area and positive exploitation of home ground networks which helped in reducing connectivity costs. The Kutoka Network Lead Person took the duty to conduct Executive Interviews targeting NGCDF Board, Members of Parliament and the Clerk of the National Assembly.

#### **2.5.0 DATA PROCESSING, ANALYSIS AND PRESENTATION**

The data and information from the Audit was captured using ODK-ONA Platform and sent through real time cloud infrastructure to a Central Server Unit (CSU). The responses from Key Informant Interview (KIIs) were recorded appropriately for further processing. The analysis was undertaken using Statistical Package for Social Sciences Version 21 (SPSSv21). The quantitative data was subjected to inferential statistics for relations where upon frequencies, percentages and descriptive statistics were generated and summarized in tables, figures and charts that allowed easy interpretation. Further, *the quantitative data was transcribed fully* in line with the Audit objectives. This was subsequently run through MS Office 2010 specifically - Excel 2010 spread sheet. The qualitative data obtained from documentary analysis and FGDs and open ended sections of the survey questionnaire were coded by identifying and labeling (coding) items of data with similarities in themes, certainty according to objectives and emerging themes. This was done through content analysis procedure for



the categorization of textual, verbal or behavioral data, for purposes of classification, summarization and tabulation.

#### **2.5 Ethical consideration**

This Social Audit was conducted under professional ethical considerations. All the

**Kutoka Network Social Audit FDG on 7<sup>th</sup> May 2022 @ Embakasi Central: Kayole** respondents freely and voluntarily agreed to participate in the Social Audit and those who sought exclusion were allowed not to participate without any undue harm. Those who declined to participate were allowed to do so without coercion, persuasion or intimidation. The Audit ensured that all persons contracted were made familiar with the Kutoka Network Secrecy Policy and field guidelines and agreed to abide by them during the execution of this work including signing the confidentiality and indemnity policy. Measures were taken to secure informed consent and assent of the respondents: explaining the objective of the Social Audit, the kind of information required and the intended use, and above all, providing reasons for choosing the respondents. Overall, the team guarded the information that was considered sensitive; in particular no reference is made directly to a given respondent in this Audit.



## 2.5. INCLUSION AND EXCLUSION CRITERIA

Based on the wide geographical scope of the target areas where Kutoka Network operates the Social Audit targeted participants who have stake in the NGCDF and those who have knowledge. The study excluded respondents who were not willing to respond to the study questions due to their personal reasons. Stratification was done to assist in sieving the populations in terms of more ‘Skillful and knowledgeable’ to bring out the understanding of various dynamics in terms of assessing the current situation of NGCDF.



Kutoka Network Social Audit FDG on 7<sup>th</sup> May 2022 @ Embakasi North: Dandora

## CHAPTER THREE: FINDINGS

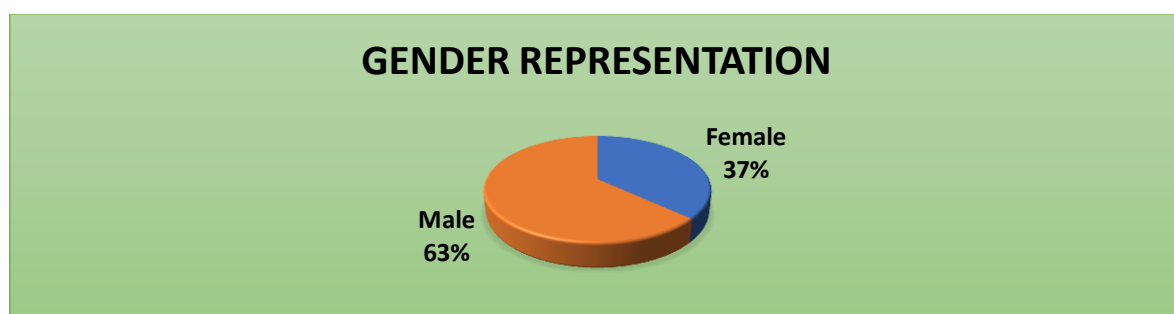
This Chapter is arranged according to the Social Audit objectives i.e. the legal and institutional frameworks as well as the obligatory, systemic, and procedural steps that NG-CDF committees followed in the implementation of the projects, the extent to which the project activities were conducted in a transparent and participatory manner, the activities and service delivery performance for determining the extent to which the project contributed to the overall socio-economic improvement of the constituents and the engagement of beneficiaries and stakeholders in the project monitoring and evaluation.

### SOCIO-DEMOGRAPHIC PROFILE OF RESPONDENTS

*Table 3.1 Sex (gender) disaggregated profile of the respondents.*

	Frequency	Percentage
Female	7	36.80%
Male	12	63.20%
<b>Total</b>	<b>19</b>	<b>100</b>

*Source: Social Audit Data*



*Source: Social Audit Data*

Among the Key Informants, there were 37% females and 63% males with a majority of the Key Informants (37%) in the age bracket 33-37 followed by those in the age bracket 28-32 (21%). This is construed to mean that there was gender dimension in NG-CDF management at the community level with more men in leadership than women. There were more youth (over 50%) in the fund management which is a good show and demonstration of faith in youth leadership.

#### *Age group of the respondent*

	Frequency	Percentage
23-27	1	6.30%
28-32	4	21.00%
33-37	7	37.00%
38-42	1	5.00%
43-47	2	11.00%
48-52	3	16.00%
Above 52	1	5.00%
<b>Total</b>	<b>19</b>	<b>100</b>

*Source: Social Audit Data*

### 3.1.2 The gender versus age group of the respondent

	23-27	28-32	33-37	38-42	43-47	48-52	Above 52
Female	1	1	2	1	0	1	1
Male	1	2	3	2	2	1	1
<b>Total</b>	2	3	5	3	2	2	2

*Source: Social Audit Data*

It is worth noting that among the 37% (the majority) in fund's leadership, satisfies the Two-Third gender rule.

### 3.1.3 Distribution of gender of the respondent versus the constituency

Gender	Embakasi Central	Embakasi North	Embakasi South	Kibra	Mathare	Ruaraka
Female	2 [10.52%]	1[5.26%]	2 [10.52%]	2 [10.52%]	1 [5.26%]	1 [5.26%]
Male	2 [10.52%]	2 [10.52%]	4 [21%]	1[5.26%]	1 [5.26%]	2 [10.52%]
<b>Total</b>	4	3	6	3	2	1

*Source: Social Audit Data*

As seen from the table above, Embakasi North, Mathare and Ruraka have the lowest (5.26%) of female respondent while Embakasi South (21%) had the highest followed by Ruaraka, Embakasi North and Central (10.52%).

## 3.2 Structure Representation and length of service

### 3.2.1 NG-CDF structure served.

0	Frequency	Percentage
NGCDF Board	0	0.00%
NGCDF Constituency Committee	2	11.00%
NGCDF Oversight Committee by the area	0	0%
NGCDF Project Management Committee	0	0.00%
Other	17	89.00%
<b>Total</b>	19	100

*Source: Social Audit Data*

It is worth noting that its only Embakasi South Constituency that has two Members from the NG-CDF Constituency Committee who accepted to be interviewed although Members of the other two Committees (*the NGCDF Constituency Oversight Committee and Project management committee*) were unavailable. Moreover, the rest of the NGCDF Committee Members in the other five Constituencies (Kibra, Mathare, Ruaraka, Embakasi Central and Embakasi North) declined completely to be interviewed despite Kutoka Urban Slums Initiative having requested in writing the Fund Managers to facilitate the interview as required of them by the Access to Information Act 2016. Furthermore, all the Members of the six target Constituencies (snubbed the interviews. Not even NG-CDF Board agreed to avail information in regard to NGCDF. This underscores the unwillingness to be subjected

to public scrutiny which implies that most likely, the principles of public finance as required under article 201 of the Kenya Constitution 2010 are never adhered to resulting from conflict of interest.

*In 2005, Muslims for Human Rights (MUHURI), a Mombasa-based nongovernmental Organization working to promote human rights, began a project to monitor expenditures made under the Constituency Development Fund (CDF) in Kenya's Coast Province. As a first step in their investigation, MUHURI tried to access copies of CDF bank statements and other CDF project expenditure reports for one particular constituency. However, they were denied access to these documents because Kenya did not have a law guaranteeing citizens the right to see government documents then.*

Even with the promulgation of Kenya Constitution (2010) Article 35 (1) (a) read together with Access to information Act 2016. “Every Citizen has the right of access to information held by the state” Members of the NG-CDF structures refused to share information they held in regard to the management and utilization of the Fund. Since Section 53 of the NG-CDF Act 2015 creates an oversight Committee headed by the Member of Parliament in each Constituency, then they are highly conflicted hence the reason as to why they could not share information in regard to the NG-CDF lest they implicate themselves. This calls for pressure from the public and Civil Society to access the information held by NG-CDF. In order to sustain good governance and prudent utilization of public funds accountability is mandatory from duty-bearers as demanded by responsible citizenry.

### 3.2.2 OTHER STRUCTURES.

The 35.4 % who indicated others represented Community, Ward Committee, Committee Member/Uwezo Fund, and Civil Society in areas of governance, Civil Society organization, CGHRD Kenya (CSO), civil society (Twaweza Community Project (CBO), School Management Committee and PTA member.

### 3.2.3 Distribution of designation of the respondent to the NGCDF structure

NGCDF structure	State your Designation			
	Chair	Member	Secretary	Total
NGCDF Board	0	0	0	0
NGCDF Constituency Committee	0	2	0	2
NGCDF Oversight Committee by the area	0	0	0	0
NGCDF Project Management Committee	0	0	0	0
Other	4	12	1	17
<b>Total</b>	<b>4</b>	<b>14</b>	<b>1</b>	<b>19</b>

*Source: Social Audit Data*

### 3.2.4 Length of service in the Structure in Months

Month bracket	Frequency	Percentage
0-24	3	16.00%
25-36	5	26.00%
37-60	7	37.00%
61-72	1	5.00%
73-84	2	11.00%
85-96	1	5.00%
<b>Total</b>	19	100

Source: Social Audit Data

A majority (37%) of the respondents had served in their offices/ structures for between 3 years and 5 years. Another 16% had served in the office between 6 years and 8 years.

In a survey by Kutoka Network (Baseline Survey, 2019), it was observed that the obstacles to access the funds were among others, knowing somebody and bribery seemed to be the main obstacle cutting across all the funds and that overstay in one station contributed to gratification which negatively impacted on service delivery. Corruption and tribalism were seen as major obstacles at 31.5% across all funds. Cumulatively, 47.8% of the community did not know the existence of the funds. It has been severally hypothesized that secrecy is a means to sustain corruption, and such overstay in one office builds stronger walls and rears termites which eat away access to information yet a right.

### 3.2.5 Roles and responsibilities in the NGCDF structure

	Frequency	Percentage
Oversight on ongoing projects	6	32%
Monitoring the activities of the project	4	21%
Supervisory and ensure Implementation of the projects	2	11%
Monitoring and evaluation of project performance	4	21%
Managing the worker's welfare	2	11%
Sensitizing the community on public expenditure	0	0%
Offer basic legal services and creation of awareness of human rights	1	5%
<b>Total</b>	19	100

Source: Social Audit Data

A peek view of roles of the respondents, 32% of Key Informants play an oversight role to the ongoing projects, 21% monitor activities of the Project and an equal percentage monitor and evaluate project performance. This looked at alongside the Auditor General's Report which is hereunder extracted leaves a lot to be desired.

“ There are concerns that CDF monies are not managed in a transparent manner; that many CDF projects are not useful to local communities; and that local communities are not sufficiently involved in its management. Numerous cases of falsified accounts and fraudulent records, including, fabricated

records of construction works that have not been undertaken at all (ghost works), fraudulent billing for project activities, and falsified labour rolls, unaccounted beneficiaries of bursary given under the NGCDF among others”. (Auditor General’s Report 2018).

It could point to capacity deficits in oversight, monitoring and evaluation or an outright misinformation on the part of the respondents.

As International Budget Programme notes, “...for a social audit to be successful, detailed records of the activities under monitoring and oversight must be available” IBP, 2007

CDF projects are listed through a website, but the information is not specific enough for oversight purposes. This impedes the levels of accountability and transparency in the management of the funds and therefore increases the levels of opacity and yields mistrust.

From the Auditor General Report, when the Fund Managers respond to Audit Queries, their responses are not posted anywhere and as such one is left wondering whether the issues are addressed or not.

**3.1 OBJECTIVE 1: TO EXAMINE THE LEGAL AND INSTITUTIONAL FRAMEWORKS AS WELL AS THE OBLIGATORY, SYSTEMIC, AND PROCEDURAL STEPS THAT NGCDF COMMITTEES FOLLOWED IN THE IMPLEMENTATION OF THE PROJECTS.**

4

	FALSE	TRUE	I do not know
B1. The Project is in line with NGCDF Act No. 30 of 2015 provisions.	8 (42.20%)	4 (21.10%)	7 (36.70%)
B2. The Project procurement process followed the Public Procurement and Disposal Act No. 33 of 2015	8 (42.20%)	3 (15.60%)	8 (42.20%)
B3. The Project was scrutinized and approved for funding as per NGCDF Act No. 30 of 2015	11 (58.10%)	3 (15.60%)	5 (26.30%)
B4. The chairman of the NGCDF Constituency committee convened an open forum to deliberate on development matters in the constituency and as such this project was identified through such a forum	6 (31.60%)	4 (21.10%)	9 (47.3%)
B5. The NGCDF Board considered project proposal submitted from this constituency for funding approval and from such consideration, this project was conceptualized.	10 (52.60%)	4 (21.10%)	5 (26.30%)
B6. The Constituency Committee deliberated on Project proposals from the wards in the Constituency	4 (21.10%)	3 (15.60%)	12 (63.3%)
B7. The National Assembly established a Select committee on the NGCDF	3 (15.60%)	5 (26.30%)	11 (58.1%)
B8. The National Assembly considered reports received from the Board and tabled the report to the National Assembly	8 (42.20%)	5 (21.10%)	7 (36.70%)
B9. The area MP in consultation with the Constituency Oversight Committee convened a meeting at the beginning of financial year to mobilize and sensitized the constituents on matters related to the fund and solicited their views	8 (42.20%)	5 (26.30%)	6 (31.60%)
B10. The Board with the approval of the select committee of the National Assembly allocated funds for this Project in the financial year under review.	5 (26.30%)	9 (47.30%)	5 (26.30%)
B11. The NGCDF Board made regulations prescribing the manner of selection, procedure for appointment, qualification of members and the removal of members of both the Constituency Committees and the Project management	8 (42.20%)	4 (21.10%)	7 (36.70%)

committees.			
B12. NGCDF Board received and addressed complaints that arose from the implementation of the Project	5 (26.30%)	3 (15.60%)	11 (58.10%)
B13. NGCDF Board has internal control systems to address budgetary controls and performance	11 (58.10%)	3 (15.60%)	5 (26.30%)
B14. NGCDF Board has expenditure framework to support the Constituency Committees on budget absorption aimed at realizing efficiency and effectiveness	9(47.4%)	5 (26.30%)	5 (26.30%)

The NG-CDF Account boasts an Act of Parliament (NG-CDF Act 2015) revised Edition 2022 replete with legal structures, regulations and Procedure Manual, five (5) committees at various levels, two of them being the National Assembly Select Committee with 18 Members of the National Assembly and the Board to support realization of its mandate. The Select Committee is provided courtesy of Section 50 (1) while the Board is created under Section 14 (1) of the NGCDF Act 2015. The other three Committees are the Project Management Committee under Section 36(1), the Constituency NGCDF Committee created by Section 43 (1) and the Constituency Oversight Committee courtesy of Section 53(1) of NGCDF 2015.

Under purposive sampling, the Lead Person had targeted to interview at least three from each of the five legal structures but none of them agreed to be interviewed including the Member of the National Assembly from each of the six Constituencies we were targeting yet their responses to the items of data collection tools would have been very instrumental in enriching this report. This was despite emails requesting for an interview either through face to face or zoom or phone or self-administration of our digital questionnaire. For instance, two emails were sent to the Chief Executive Officer of the NGCDF Board on 21<sup>st</sup> May 2022 and a reminder cum a complaint due to the hard to get Constituency Fund Managers on 27<sup>th</sup> May 2022. This was in addition to a lengthy telephone Conversation between the Lead Person in this Social audit exercise and the Chief Executive Director of the NG-CDF on 17<sup>th</sup> May 2022 for about 14 minutes in the evening where he communicated his busy schedule hence unavailable. He however informed the Lead Person that he was at liberty to interview any of his Members of the Board. The Lead Person called the following day the Secretary to inform her of the phone conversation and requested some contacts of the Board Members but she declined to give any contacts saying that it's only the CEO who could divulge the Members' contacts.

On 21<sup>st</sup> May 2022 Kutoka Network wrote officially to the Chief Executive Officer of the NG-CDF Board and copied the email to NG-CDF Office Kibra, Mathare, Ruaraka, Embakasi North, Embakasi Central and Embakasi South applying to access the NG-CDF information as provided for under Section 8 (1) of the Access to information Act 2016. None of these Offices has ever bothered to respond to these emails that were followed with phone calls and WhatsApp messages. On 10<sup>th</sup> June 2022 Kutoka Urban Slums Initiative [Kutoka Network] wrote an email to the then Chairman National

Assembly Select Committee Hon. Wafula Wamunyinyi followed up with calls and WhatsApp messages communicating our desire to interview him and two other Members of his Committee which bore no fruits. On 20<sup>th</sup> June Kutoka Urban Slums Initiative wrote to the Clerk of the National Assembly seeking his facilitation to enable the Social Audit team access to the NGCDF information to no avail notwithstanding phone calls and physical visit to Parliament buildings. However, the Personal Assistant to the Clerk did inform the Lead Person that Clerk was outside the Country and was about to proceed to his terminal leave.

As well stated under the ethical consideration, all the respondents were free to participate or not to take part in the Social Audit exercise without coercion, persuasion or intimidation like in any other data collection task. However, when it comes to public and state Officers, availing information on grounds of accountability, transparency and participatory governance, they have a legal duty give information. It is worth noting that the object and purpose of the Access to Information Act 2016 under Section 3(a) is to “...give effect to the right of access to information by citizens as provided under Article 35 of the Constitution”. Under sub-section 3(d) of the Act it seeks “...to promote routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to accountability, transparency and public participation and access to information. The Act under Sub section 4(5) goes on state that; “...Nothing in this Act shall limit the requirement imposed under this Act or any other written law on a public entity or a private body to disclose information” and that the duty-bearer shall facilitate access to information held by such entity and which information may include; the particulars of its organization, functions and duties and the powers and duties of its officers and employees as provided for in subsection 5(1) (a) (i) (ii) in order to promote accountability of public entities to the public, ensure that the expenditure of public funds is subject to effective oversight and to promote informed debate on issues of public interest as required under sub-section 6(6) of the Access to Information Act 2016.

Failure to comply with the provision of the Act, Section 18(1) provides that “...any person to whom this section applies commits an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public entity, with the intention of preventing the disclosure by that entity of all, or any part, of the information provision of which the applicant would have been entitled and Sub-section 18(3) provides that; “A person convicted of an offence under subsection (1) shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both”.

Looking at the legal and institutional framework that concern NG-CDF above, there is a concurrence of 78.9% which is a combination of those that disagree that the projects funded are in line with NGCDF Act No. 30 of 2015 provisions and those that says that they do not know whether the projects funded are in line with the NGCDF Act while 21.10% of the respondents were sure of the alignment.



This implies that despite the socio-economic impact of the utilization of this fund, there is a great need for civic education if the constitutionality of the Act will be confirmed by the High Court of Kenya.

The Focus Group discussants seemed not to be aware of the NGCDF Act of Parliament, neither did they have clue on existence of the regulations. As stated earlier above, there is a pending case at the High Court of Kenya trying to establish the Act's constitutionality notwithstanding the nullification by the Supreme Court of the CDF Act 2013 on 8<sup>th</sup> August 2022 in its entirety. On the Procurement, 15.60%) agreed that the projects adhered to Public Procurement Act and the same percentage agreed that the Project was scrutinized and approved for funding as per NG-CDF Act No. 30 of 2015.

However, the FGD strongly disagreed with the views of the Key Informants on the procurement practice. They noted that the whole process was clouded in secrecy and that the committees and the Board were unwilling to discuss issues of the fund.

31.60% of the respondents did not agree with the statement that:

*"The chairman of the NGCDF Constituency committee convened an open forum to deliberate on development matters in the constituency and as such this project was identified through such a forum"* but 21.10% agreed.

The respondents were probed further whether the Constituency Committee deliberated on Project proposals from the wards in the Constituency of which 15.60% slightly lower number than those who agreed with the statement that the chairman of the NGCDF Constituency committee convened an open forum to deliberate on development matters in the constituency and as such this project was identified through such a forum thought this was true to their best of understanding. The frequency table shows that 31.60%) agreed that the Committee Chairperson convened an open forum to deliberate on projects to be initiated while a combination of those that disagreed and those that do not know whether there was involvement of the Constituents in project identification process totals to 78.90% of Key Informants. This is an opportunity for Kutoka Network to work with likeminded organizations on Civic Engagements.

On whether the NGCDF Board considered project proposal submitted from constituency for funding approval and from such consideration, the project was conceptualized, 52.60% of the respondents disagreed, while 21.10% agreed and 26.30 did not know. The respondents were probed whether the Constituency Committee deliberated on Project proposals from the wards in the Constituency of which 63.3% did not know while 21.10 disagreed and 15.60 thought this was true to their best of understanding. It disturbing that 58.10% of Key Informants did not think that NGCDF Board has internal control systems to address budgetary controls and performance.

### 3.4 OBJECTIVE 2: MEASURE EXTENT TO WHICH THE PROJECT ACTIVITIES WERE CONDUCTED IN A TRANSPARENT AND PARTICIPATORY MANNER.

One of the national values and principles of governance envisioned in Article 10 (2) (a) of Constitution of Kenya (CoK, 2010) is inclusiveness and participation of the people. It's against this backdrop that the Social audit sought to measure how well the constituents participated in the identification of the NGCDF projects. In Embakasi South Constituency, the Focus Group Discussants were able to identify several Projects that were funded by NGCDF between 2017 and 2021.

These range from Dormitory constructed at Embakasi Girls secondary in Imara Daima Ward, Classrooms built and renovated at Kwa Njenga Primary School, borehole sunk at Kwa Njenga Primary School, Kitchen Constructed at Kwa Njenga Primary School, purchase of School Bus for Kwa Njenga Primary School, purchase of desks and chairs at MCC Imara Ward and issuance of bursaries to needy children among others. However, in all these undertakings, the constituents are not involved in the need identification and prioritization.

“ *Why would someone buy a bus for a primary school in a slum whereas children crowd in classrooms and have no lunch? Is this really sensible?* ”

**FGD Embakasi South.**

The discussants agreed that the populations in the schools had increased, the classrooms were in bad shape and there was insecurity which warranted the civil works undertaken through NG-CDF.

“ *But this doesn't give the MP the monopoly to identify the Projects, source the contractors/suppliers and in secrecy pay for the works without making the process public* ”.

**FGD session- Embakasi South.**

In some instances, the projects seem to have multiple funding or the leaders simply take advantage to seek publicity.

“ *Sometimes we see more than one signpost for the same Project. You see a post with the photo of area MCA, area MP, Governor and NMS. This makes us believe that someone is doing monkey business* ”

**Focus Group Discussants in Embakasi South.**

In Mathare Constituency, the FGD had a different view compared with the other Constituencies.

“ *It's very hard to identify the projects funded by NG-CDF because the Board isn't straight forward. Planning meetings are never done in this community. You simply see activities but no one is willing to communicate what's going on* ”.

**FGD Mathare.**

In practice, most procurement is carried out by the Constituency Development Fund Committee, and frequently they do not establish a formal Constituency Development Fund Tender Committee. This is contrary to procurement guidelines, and members of the public must insist that procurement guidelines and regulations be adhered to.

	<b>FALSE</b>	<b>TRUE</b>	<b>I do not know</b>
C1. There was a public notice inviting the constituents to a public meeting	10 (53.20%)	6 (31.20%)	3 (15.60%)
C2. The meeting represented major stakeholders from the constituency	6 (31.20%)	3 (15.60%)	11 (53.20%)
C3. There was rating and ranking of the projects and therefore this project qualified.	9 (47.4%)	5 (26.30%)	5 (26.30%)
C4. The stakeholders were invited for an inception meeting	6 (31.6%)	4 (21.10%)	9 (47.3%)
C5. Issues of concern were raised and thrashed	8 (42.20%)	8 (42.20%)	3 (15.60%)
C6. Any other indicator	2 (10.5%)	5 (26.3%)	12 (63.2%)
C7. There was a public notice inviting the constituents to a budget making forum	8 (42.50%)	5 (26.30%)	6 (31.20%)
C8. The meeting represented major stakeholders from the constituency	4 (21.10%)	2 (10.60%)	13 (68.30%)
C9. There was rating and ranking of the projects in terms of budget items and needs	10 (52.60%)	4 (21.10%)	5 (26.30%)
C10. There was a call for bids/ expression of interest/ call for tender in at least 2 dailies with wider readership in the county	3 (15.60%)	1 (5.30%)	15 (79.1%)
C11. There was a procurement meeting and due process was followed as stipulated in the Public Procurement and Disposal Act (2015).	10 (58.10%)	3 (15.60%)	5 (26.30%)
C12. There was disbursement or reimbursement schedule	1 (5.3%)	14 (73.7%)	4 (21.1%)
C13. The contractor/supplier agreed with terms of contract and duly signed	6 (31.6%)	2 (10.5%)	11 (57.9%)
C14. Work progress and disbursement/ reimbursement schedules were duly and faithfully followed	9 (47.30%)	4 (21.10%)	6 (31.60%)

The Key Informants responded to a number of issues that were aimed at assessing the levels of public participation and inclusivity in the NGCDF Project cycle. 53.20% of the respondents averred that there was no public notice inviting the constituents to a public meeting, moreover, 21.10% thought the meeting did not represent major stakeholders from the constituency and another 31.60% felt that there was no validation meeting convened for the projects. 15.60% of the respondents did not know whether issues of concern raised during inception meetings were addressed. 42.50% do not agree that there was public notice inviting the constituents to budget making forum, however, 21.10% observed that the invitees did not represent main stakeholders from the constituency and an equal (31.20) percent do not know if there was a public notice inviting the constituents to a budget making forum, while 68.3% had no idea if the meeting represented major stakeholders from the community. 15.60% do not know if issues of concern were raised and thrashed. 47.4% of the Key Informants observed that there were neither rating nor ranking of the proposed NGCDF projects with 58.10% not agreeing that there was a procurement meeting and due process followed as stipulated in the Public Procurement and Disposal Act (2015). Among the Key Informant Interviewees 57.90% do not know whether the contractor/supplier agreed with terms of contract and duly signed the contract. This was rebutted by

10.5% who gave a resounding affirmation that there was mutual signing by the contractor. A significant (47.30%) percentage of the respondents did not subscribe to the statement that work progress and disbursement/ reimbursement schedules were duly and faithfully followed. This indicts the oversight committee on its ability to adequately deliver on its mandate as far as ensuring adherence to the laws in place is concerned. Looking at these responses, the ideals of public participation is still embryonic and therefore need for civic education to inculcate national values on the NGCDF managers. The public should as well be empowered to appreciate their role in public affairs discourse. According to the Focus Group Discussants, the NGCDF school perimeter wall projects were aimed at helping the community out of much complain arising from residents such as sale of drugs and substances along school fences. This informed the need to put up perimeter walls around the public schools. However, the discussants observed that the procurement processes for works were clad in secrecy and therefore were not able to be evaluated.

*“Some Projects are started at the height of campaigns to influence the voters. After elections, these projects stall and new ones begin if the area MP is defeated in the elections”. FGD Kibra.*

Deep conversations with the discussants revealed that the processes were never followed.

The Discussants in Kibra observed that some Projects are borne out of pressure from Nyumba Kumi committees since the members are engaged in supplies. This was further laid bare by the control Nyumba Kumi had in identifying participants during forums convened to seek views on the projects and hurriedly passed. This makes NGCDF projects a preserve of a few contractors and suppliers who control the procurement process.

On the role played by the community in NGCF projects in needs identification, the Discussants in Kibra observed that they had a very limited role since the area MP had a predetermined list of projects to be implemented and anybody opposing feared the Nyumba Kumi elders and youth who would be used to cause bodily harm.

“On whether the projects were undertaken according to the specifications in the Project Document, the discussants had issues. Some noted that the Project Documents were never shared and therefore they did not even have a clue on what was being implemented.

*There is always misunderstanding since most of the project committees were selected in a partial manner to serve the interest of area Member of Parliament. They as such make sure that the project details are concealed and anybody trying to seek for information is marked”.*

#### **FGD Kibra Constituency.**



*Another significant point to note is that the Fund management will hire unskilled labour from the community due to low payments. Since these people benefit, the community is forced to remain silent over issues of concern”. FGD Mathare Constituency*

Discussion on value for money was dotted with claims of lack of transparency, lack of structured involvement and engagement in the procurement process as well as low levels of community capacity to evaluate value for money.

The CDF guidelines direct that all projects must have a work plan with details, and this is the basis for the release of any funds to the project. However, from all the Projects that were audited, none produced a Work Plan. All CDF projects are required to use standard government tender documents, including a Bill of Quantities (BQ) prepared by the relevant government department. The Social audit needs to verify that the BoQ is accurate and that the items specified are actually used on the project. In this assignment, no BoQ were availed and all efforts made to obtain from the NG-CDF Managers fell flat. None was willing to discuss this matter. This shows that NGCDF across the Country is managed in a similar way, clad in secrecy and bound by concealment.

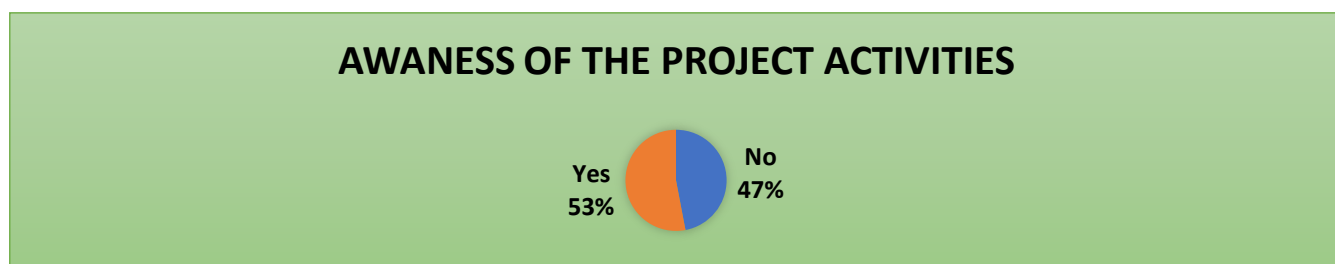
Once the tender is awarded, the business details are no longer confidential. However, in the case NG-CDF, these documents are held in secrecy and none of the officers is willing to divulge this information. Upon completion of the project, the relevant government technical department should issue a completion certificate to facilitate the final payment and thus ensure the project is duly completed. The procurement of goods, works or services exceeding KES 5 million in a financial year must be advertised in at least two national newspapers for at least 14 days before closure/opening of tender.

**3.5 OBJECTIVE 3: TO INTERROGATE ALL PROJECT ACTIVITIES AND SERVICE DELIVERY PERFORMANCE FOR DETERMINING THE EXTENT TO WHICH THE PROJECT HAS CONTRIBUTED TO THE OVERALL SOCIO-ECONOMIC IMPROVEMENT OF THE CONSTITUENTS.**

**3.5.1 Project activities as per the call for bid/expression of interest/call for quotations**

The need to have the electorate follow through procurement process and successful implementation of the projects cannot be gainsaid in the efforts to enhance accountability. In this setting, observance of procedures stipulated in the Law and other statutes is a composite of good governance. The onus lies with NG-CDF to provide an environment that allows for collaboration through dialogue.

	Frequency	Percentage
No	9	47.00%
Yes	10	53.00%
Total	19	100



Source: Social Audit Data

Looking at the responses on whether all project activities as per the call for bid/expression of quotations were successfully undertaken, 53.0% of the respondents gave a nod while 47.0% were of a different opinion.

*If yes, in a scale of 1-5. Where 1= very poorly. 2= Poorly, 3= fairly, 4=Well and, 5= Excellent; kindly respond to the following statements.*

	Excellent	Fairly	Poorly	Very poor	Well
Di. The needs identification was ---done	2 (10.5%)	7 (36.8%)	3 (15.8%)	1 (5.3%)	6 (31.6%)
Dii. The planning process was -----done	1 (5.3%)	5 (26.3%)	5 (26.3%)	3 (15.8%)	5 (26.3%)
Diii. The bidding process was -----done	0 (0%)	6 (31.6%)	7 (36.8%)	2 (10.5%)	4 (21.1%)
Div. The contractor/ supplier was -engaged	3 (15.8%)	8 (42.0%)	3 (15.8%)	1 (5.3%)	4 (21.1%)
Dv. The public was ---engaged and involved	1 (5.3%)	5 (26.3%)	4 (21.1%)	1 (5.3%)	8 (42.0%)
Dvi. The works were -----executed	1 (5.3%)	6 (31.6%)	3 (15.8%)	2 (10.5%)	7 (36.8%)
Dvii. The budgets were -----adhered to	0 (0%)	5 (26.3%)	7 (36.8%)	4 (21.1%)	3 (15.8%)
Dviii. The quality was -----achieved	2 (10.6%)	7 (36.8%)	3 (15.8%)	0 (0%)	7 (36.8%)
Dix. The beneficiaries were -----satisfied	1 (5.3%)	5 (26.3%)	6 (31.5%)	1 (5.3%)	6 (31.6%)

Using the Likert Scale, 36.8% of the respondents felt that the needs identification process was fairly done and 31.6% thought the process was well done. A variety of respondents had mixed views with 26.3% score in three areas saying the planning was well done, others that it was poorly done and others said that it was fairly done but 5.3% felt it was excellently done. The bidding process too had a mixed feeling with 21.1% aligned to well done while 31.6% acknowledging that it was fairly done. However, 36.8% stating that it was poorly done. 36.8% of the respondents in this category felt that the quality of works was realized fairly done with equal score for well done column. 36.8% averred that the budgets was not adhered to, 31.6% stated that works were fairly executed. On public engagement, 21.1% and 5.3% felt that the public were poorly and very poorly engaged respectively while 42% felt the public was well engaged. 42% were of the view that the contractors were fairly engaged. In Kibra and Embakasi South, when road works were undertaken, youth were engaged in manual work such as excavation, backfilling using hardcore, and cleaning the surfaces before application of bitumen. This contributed to household incomes and increased purchase power of the community and it informed part of the public engagement. From the above analysis, NGCDF has mixed ratings from both the Key Informants and Focus Group Discussants as captured below:

### **SAMPLED VOICES**

Among the respondents who responded in the contrary, they registered view on how well they wished the identification process was done.

- ✓ *By convening a meeting and getting suggestions from the concerned people*
- ✓ *Enhance inclusivity by ensuring public participation all times and bringing on board the right stakeholders.*
- ✓ *The NGCDF Board should at the initial stages visit the schools to identify the priority need first before embarking on any projects in school.*
- ✓ *There should be widespread information and involvement of all stakeholders before all NGCDF projects*
- ✓ *Lack of quorum during public participation*
- ✓ *Advertising for tender in public. -Inform the public about the tendering rules. -Selection to be on merit as per the qualification, not vested interest.*
- ✓ *Procurement is to be done at the project site i.e. at the school level, not the constituency level. -Project beneficiaries should prioritize their own need. -Projects to be need driven.*
- ✓ *By following the law and laid down procedures on procurement and involving the community*

*are initiated and throughout the implementation process*

**On the planning process, the respondents suggested the following:**

- “ *Include all the area leaders; ensure accountability in the entire process. Monitoring and evaluation team ought to be in place; Committee should be trained on the procurement law, the date of advertising and time should be communicated to allow as many people as applicable to bid; planning to be done at the beneficiary level. Validation should be done at the ward level based on the need and the community should be actively involved; the people should be more involved in the planning process and a lot of research on the needs of the people should be undertaken; allow key stakeholders to actively participate in the process.*

One of the poignant issues that came out strongly during the Social Audit was the bidding process. The respondents felt that this is where cartels subvert the aspirations of the people. In response, these were some of the views:

*"Certain interested groups were handpicked since they offer kick-backs to the NGCDF committees and staff"*

*"By advertising in the mainstream media and other public platforms it is easy to follow who won the tender as well to put the Fund management on the spot".*

*"There was no transparency and professionalism lacked in the tendering process. This opened the corruption floodgate"*

- Allow many tenders to be brought to provide competitive bidding
- Let the process be done by technical experts
- By advertising the tenders and checking the previous records of the contractor so that we don't end up with cowboy contractors
- It should be localized as such the project should be dictated by the local needs.

- The process should be open for any person interested to apply for contracting or supplying.
- Ensure consultations at all levels to build confidence among all the stakeholders.
- The best supplier or contractor to be selected based on experience and service and this should be done by the whole committee not a few members to avoid corruption.
- Engage the local community

Intense public participation  
Proper public education on monitoring and evaluation

The local youths should be contracted to offer casual labour

The work should be of the best quality to ensure no risks

Involvement of the key stakeholders at the level of decision making  
Actively engaging the school management at all levels

Public participation

- Presence of supervision by the interested stakeholders would make a difference

Inclusive conversations by all stakeholders

Following government procedure on procurement

Should notify community members early

Through a lot of openness and avoiding corruption and tribalism

### How did you wish the public was engaged and involved?

- ✓ Should notify members early
- ✓ Public participation
- ✓ Presence of supervision by the interested stakeholders would make a difference
- ✓ Inclusive conversations by all stakeholders
- ✓ By calling for public participation forums



- ✓ Intense public participation
- ✓ Proper public education on monitoring and evaluation
- ✓ Through public participation forum.
- ✓ Public participation to be enhanced and Projects to be identified by the public
- ✓ Need to have a community Oversight committee.
- ✓ Through creating employment
- ✓ Through public forums
- ✓ Through a lot of openness and avoiding corruption and tribalism
- ✓ In supplying materials and providing the workforce
- ✓ Public assessment. Needs assessment.
- ✓ Public participation in the prioritization of the need project

**How did you wish the works were executed?**

- ✓ The residents should get first priorities
- ✓ Through professional consultation and engagement with the direct beneficiary team.
- ✓ The local youths could have been contracted to offer casual labour
- ✓ The work should be of the best quality to ensure no risks
- ✓ By involving the local community in terms of manpower
- ✓ Strictly following government rules
- ✓ The work could be executed to satisfy the interest of the local people like the PWD
- ✓ By offering first priority to the beneficiary Community to work on the project.

**How did you wish the budgets were adhered to?**

- ✓ The community could have been involved in the process.
- ✓ Based on the quotations and allocation of the CDF.
- ✓ The implementation should go hand in hand with the project specification, proposals, budget quotation.
- ✓ Following government procedures
- ✓ Through public participation
- ✓ By avoiding misappropriation of funds
- ✓ Following laws of the country and avoiding corruption
- ✓ Through avoiding misappropriation of funds
- ✓ Disbursement on need based according to the phases.

## How would you define the quality desired?

### Strong and durable

Meeting the standards set by the National Construction Authority

Firm & environmentally safe.

Safe, durable and cost effective

## How the project improved the general social and economic wellbeing of the constituents

	FALSE	TRUE	I do not know
D10. The Project employed young people from the host community	6 (31.6%)	10 (52.6%)	3 (15.8%)
D11. The contractor/suppliers came from and sourced materials from the host community	10 (52.6%)	6 (31.6%)	3 (15.8%)
D12. The Project has increased enrolment and retention rates	5 (26.2%)	13 (68.5%)	1 (5.3%)
D13. The Project has increased the number of teachers	4 (21.1%)	9 (47.3%)	6 (31.6%)
D14. The Project has increased transition rates	6 (31.6%)	10 (52.6%)	3 (15.8%)
D15. The Project has improved performance in KCPE	7 (36.9%)	9 (47.3%)	3 (15.8%)
D16. Any other social or economic wellbeing indicator	3 (15.8%)	11 (57.9%)	5 (26.3%)

Looking at how the NGCDF has improved the wellbeing of the community, 52.6% of the respondents agreed that the Project employed young people from the host community, 52.6% thought the contractors and suppliers did not come from the host community neither did they sourced materials from the community. On the other hand, 68.5% of the Key Informants attested to the fact the Projects had increased school enrolment and retention rates, 47.3% Project had increased the number of teachers, and 52.6% averred that Project had increased the transition rates and (47.3%) said that the Project had improved performance in the KCPE and generally, 57.9% observed that NGCDF had improved other social and economic wellbeing indicators.

From the above data, the benefits of NGCDF cannot be gainsaid since there are both tangible and imperceptible appreciations in terms of the outcomes. However, this is likely to yield more if done and it should be done by the County Governments who are best placed to execute this mandate without conflict of interest and be oversights by the Members of the County Assemblies.

*‘When road works are undertaken, the youth are engaged in manual work such as excavation, backfilling using hardcore, and cleaning the surfaces before application of bitumen’.*

#### ***FGD in Embakasi South and Kibra***

This contributed to household incomes and increased purchase power of the community. This was corroborated by the discussants in Mathare who observed that foodstuff vendors gained immensely from purchase of food around works site.

“Whenever construction works take place, we sell porridge, Githeri, Ugali and vegetables in higher quantities compared to other days. This increases our income”. **FGD Mathare**

**OBJECTIVE 4: TO ASSESS THE ENGAGEMENT OF BENEFICIARIES AND THE STAKEHOLDERS IN THE MONITORING AND EVALUATION**

For effective results-based monitoring and in order to ensure evaluability (the extent to which projects or undertakings can be evaluated both reliably and credibly), indicators should be formulated using SMART criteria (specific, measurable, attainable, relevant and time-bound).

Evaluation serves to *promote organizational learning and quality improvement, ensuring accountability, informed decision-making and providing leverage to mobilize resources for outcome-based programming.* In pursuit of the fore-mentioned, the Audit sought to gauge the level of beneficiary and stakeholder engagement in monitoring and evaluation of NGCDF projects

**4.1 EXTENT TO WHICH THE COMMUNITY IS INVOLVED IN MONITORING THE PROJECT.**

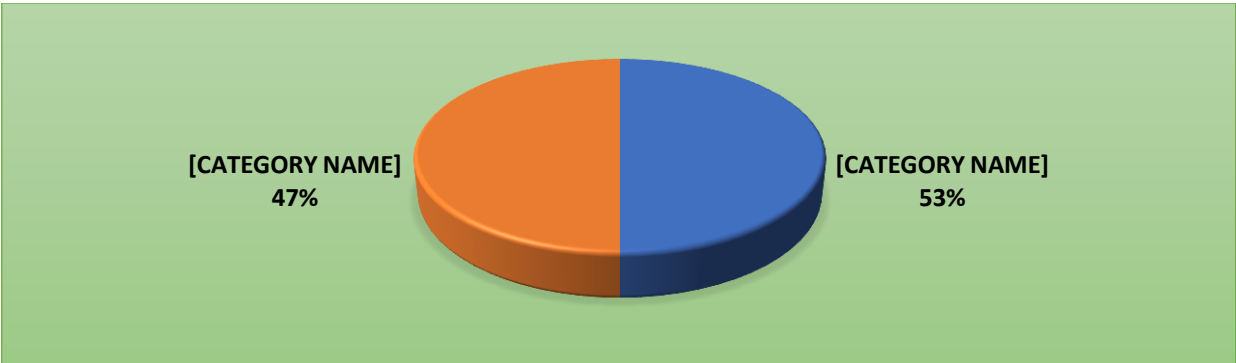
	FALSE	TRUE	I do not know
E1. Community members closely monitored the progress work	6 (31.6%)	12 (63.2%)	1 (5.3%)
E2. Issues raised were amicably resolved	7 (36.8%)	7 (36.8%)	5 (26.4%)
E3. The inputs from the team informed evaluation objectives	8 (42.0%)	5 (26.4%)	6 (31.6%)

Among the respondents 63.2% averred that community member’s closely monitored progress of the work while 31.6% of the respondents thought otherwise. 31.6% of the respondents thought that issues raised during monitoring were not addressed which equals those that affirmed that issues were resolved and 42.0% were concerned that the inputs from teams did not inform evaluation objectives.

This suggests that there is a weak link between the community and fund management in terms of monitoring

**4.1.1 Was there a joint assessment of Project outputs and outcomes?**

	Frequency	Percentage
No	10	53%
Yes	9	47%
<b>Total</b>	<b>19</b>	<b>100</b>



SOURCE: SOCIAL AUDIT DATA

53% of the respondents thought that there was no joint assessment of project outputs and outcomes. To counter their views, 47% observed that there was a project monitoring committee in place.

4.1.2 If yes, kindly fill in the table below

	FALSE	TRUE	I do not know
E4i. There was a project monitoring committee in place	0 (0%)	9 (100%)	0 (0%)
E4ii. There were committee meetings where outputs were reviewed as scheduled	1 (11.1%)	8 (88.9%)	0 (0%)
E4iii. There were committee meetings where outcomes were reviewed as scheduled	2 (22.2%)	7 (77.8%)	0 (0%)
E4iv. The issues raised during reviews were subjected to public discussion	1 (11.1%)	8 (88.9%)	0 (0%)
E4v. Where gaps were identified, corrective measures were introduced	3 (33.3%)	4 (44.4%)	2 (22.2%)

From the above analysis, there are a number of gaps in monitoring and evaluation. From the respondents, none of them is of National Integrated Monitoring and Evaluation System [NIMES] and County Integrated Monitoring and Evaluation System [CIMES] as the Monitoring and Evaluation Frameworks in place.

## CHAPTER FOUR: RECOMMENDATIONS AND CONCLUSIONS

### OBJECTIVE 1: TO EXAMINE THE LEGAL AND INSTITUTIONAL FRAMEWORKS AS WELL AS THE OBLIGATORY, SYSTEMIC, AND PROCEDURAL STEPS THAT NGCDF COMMITTEES FOLLOWED IN THE IMPLEMENTATION OF THE PROJECTS

On page 27 of this Report the NG-CDF Account boasts an Act of Parliament (NG-CDF Act 2015) revised Edition 2022 replete with legal structures, regulations and Procedure Manual, five (5) committees at various levels, two of them being the National Assembly Select Committee with 18 Members of the National Assembly and the Board to support realization of its mandate. However, as captured on page 24 in Chapter 3 on findings, despite clear unambiguous provisions of the law and the Constitution the Members of the National Assembly and the NG-CDF Officials continue to disregard the law with impunity in regard to prudent utilization of public finance as outlined in article 201 (a) (d) (e) and ensuring good governance, integrity, transparency and accountability as required under article 10(2) of the Constitution of Kenya.

As observed in Chapter three, Members of the NG-CDF structures refused to share information they held in regard to the management and utilization of the Fund. Since Section 53 of the NG-CDF Act 2015 creates an oversight Committee headed by the Member of Parliament in each Constituency, then they are highly conflicted hence the reason as to why they could not share information in regard to the NG-CDF lest they implicate themselves. This calls for pressure from the public and Civil Society to access the information held by NG-CDF. In order to sustain good governance and prudent utilization of public funds accountability is mandatory from duty-bearers as demanded by responsible citizenry.

This position is well articulated by the High Court of Kenya vide the Judgment delivered on 20<sup>th</sup> February 2015 determined the constitutionality of CDF Act 2013 which was confirmed by the Supreme Court on 8<sup>th</sup> August 2022, while the High Court was obligated to establish; *“whether the CDF Act offended the principle of separation of powers, the Court determined that by involving Members of Parliament in the planning, approval, and implementation of the CDF projects, the CDF Act 2013 had violated the doctrine of separation of powers and undermined key national values and principles of governance as enshrined in several Articles of the Constitution including article 6 (2), devolution of power, accountability, and good governance.* As acknowledged on page 8 of this Report, there is a live matter pending in the High Court of Kenya on the constitutionality of the NG-CDF Act 2015 by Wanjiru Gikonyo and another vs. the National Assembly and 4 others under Petition No. 17 of 2016 appearing on Paragraph 14 of the Supreme Court Judgement and this Report has no intention violating the rule of sub-judice despite the two Acts of Parliament having great similarities as affirmed by the Supreme Court Judges on their Judgement on Paragraph 42 while quoting the Court of Appeal Judges that; *“the provisions of the statute*

which were declared violative of the Constitution in the CDF Act 2013 had been re-enacted on the NGCDF Act, 2015”.

Therefore, despite some semblance of liking from some quarters of the public, it is a usurpation or an encroachment of the County government function as provided for in the 4<sup>th</sup> Schedule of the Constitution and if there is any intention by either level of government it must be a structured manner as provided for under articles 186 and 187 of the Kenya Constitution 2010. The arrangement of the Act of Parliament puts the MPs in a very awkward position where they are expected to be judges in their own case in matters oversight which is one of their core mandates. This idea should not even be proposed for Senators and Members of County Assemblies because it will replicate the same financial quagmire hence defeating the goal of value for money or prudent use of public funds.

This Report recommends strict adherence to the Supreme Court that discourages legislative branches of government whether at the national level or at the County from becoming or being budget implementers which is a preserve of the Executive in order improve checks and balances as well as increasing accountability.

#### **OBJECTIVE 2: MEASURE EXTENT TO WHICH THE PROJECT ACTIVITIES WERE CONDUCTED IN A TRANSPARENT AND PARTICIPATORY MANNER.**

As International Budget Programme notes, “...for a social audit to be successful, detailed records of the activities under monitoring and oversight must be available” IBP, 2007. As it is documented on page 26 of this Report, the CDF projects are listed through a website, but the information is not specific enough for oversight purposes and this impedes the levels of accountability and transparency in the management of the funds and therefore increases the levels of opacity and yields mistrust. Funds managed in such a manner cannot be of much economic benefit to the target beneficiaries.

As reported in Chapter three on page 30, “One of the national values and principles of governance envisioned in Article 10 (2) (a) of Constitution of Kenya (CoK, 2010) is inclusiveness and participation of the people. It’s against this backdrop that the Social audit sought to measure how well the constituents participated in the identification of the NGCDF projects. In Embakasi South Constituency, the Focus Group Discussants were able to identify several Projects that were funded by NGCDF between 2017 and 2021. However, in all these undertakings, the constituents are not involved in the need identification and prioritization”. A Discussant is quoted to say;

“ “ Why would someone buy a bus for a primary school in a slum whereas children crowd in classrooms and have no lunch? Is this really sensible?

**FGD Embakasi South**

This underscores the level of manipulation, skewed participation and shallow involvement of the Constituents yet all sovereign belongs to the people of Kenya as provided for in article 1(1) of the Kenya Constitution. In this connection, therefore there is need for the citizenry to be conscientized to develop people's manifestos that they will be giving those properly obligated by the law (national and county executives) to provide services with clear deliverables, time frames and evaluative frameworks to measure relevance efficiency, effectiveness, sustainability and impact [REESI aspects] otherwise taxpayers will never get value for their taxes. This is the sure bet of entrenching accountability and transparency in order to realize good public governance.

It is a classic example of abuse of public trust when a recorded statements from the collected data goes as follows on page 30 under Chapter 3; *“In some instances, the projects seem to have multiple funding or the leaders simply take advantage to seek publicity”. “Sometimes we see more than one signpost for the same Project. You see a post with the photo of area MCA, area MP, Governor and NMS. This makes us believe that someone is doing monkey business” (Focus Group Discussants in Embakasi South).*

*“It's very hard to identify the projects funded by NG-CDF because the Board isn't straight forward. Planning meetings are never done in this community. You simply see activities but no one is willing to communicate what's going on”. (FGD Mathare).* Furthermore, the discussants in Kibra observed that *“procurement processes for works were clad in secrecy and therefore were not able to be evaluated”*.

*“Some Projects are started at the height of campaigns to influence the voters. After elections, these projects stall and new ones begin if the area MP is defeated in the elections”. FGD Kibra.* This confirms that transparency and participation is cosmetic and a public relations exercise meant to hoodwink the public as reported on page 32. For this reason, this Report recommends that the executive at the County must be the only corporate body initiating development plans and projects without any duplication to minimize wastage of public funds. In doing so, we shall avoid this scenario as picked from the FGD in Kibra and Mathare on page 32 of this Report which goes as follows:

*There is always misunderstanding since most of the project committees were selected in a partial manner to serve the interest of area Member of Parliament. As such they make sure that the project details are concealed and anybody trying to seek for information is marked”. “Another significant point to note is that the Fund management will hire unskilled labour from the community due to low payments. Since these people benefit, the community is forced to remain silent over issues of concern”. FGD Mathare Constituency*

The above confessions confirms that the management of THE PROJECT ACTIVITIES WERE NOT CONDUCTED IN A TRANSPARENT AND PARTICIPATORY MANNER BECAUSE THE VARIOUS COMMITTEE MEMBERS ARE HIGHLY CONFLICTED AND WERE NOT COMPETITIVELY RECRUITED. THEREFORE IT IS RECOMMENDED THAT ANY PUBLIC OFFICER TASKED WITH THE DUTY OF SERVICE DELIVERY MUST HAVE BEEN HIRED BY THE PUBLIC SERVICE COMMISSION OR THE COUNTY PUBLIC SERVICE BOARD. IT IS HEREBY FURTHER RECOMMENDED THAT MEMBERS OF

PARLIAMENT AND MEMBERS OF THE COUNTY ASSEMBLIES SHOULD NEVER EVER GET INVOLVED IN BUDGET EXPENDITURE BECAUSE IT IS IMPOSSIBLE A HUMAN BEING TO OVERSIGHT HIMSELF OR HERSELF.

OBJECTIVE 3: TO INTERROGATE ALL PROJECT ACTIVITIES AND SERVICE DELIVERY PERFORMANCE FOR DETERMINING THE EXTENT TO WHICH THE PROJECT HAS CONTRIBUTED TO THE OVERALL SOCIO-ECONOMIC IMPROVEMENT OF THE CONSTITUENTS. AS CONFIRMED BY ONE OF THE RESPONDENTS....

However, as stated on page 25 of this Report, it was established in a survey by Kutoka Network (Baseline Survey, 2019), that; *the obstacles to access the funds were among others, knowing somebody and bribery seemed to be the main obstacle cutting across all the devolved funds and that overstay in one station contributed to gratification which negatively impacted on service delivery. It further establishes that Corruption and tribalism were seen as major obstacles at 31.5% across all funds and cumulatively, 47.8% of the community did not know the existence of the funds. "It has been severally hypothesized that secrecy is a means to sustain corruption, and such overstay in one office builds stronger walls and rears termites which eat away access to information yet a right"*. Section 4(a) of the NG-CDF Act 2015 establishes the Fund *".....to be known as the National Government Constituencies Development Fund which shall be a national government fund consisting of monies of an amount of not less than 2.5% of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218 of the Constitution"*. The management and utilization of this fund creates, breeds and perpetuates patronages, clientelism and prebendalism while promoting negative ethnicity as established in a study Mutangili, J. (2016) pg.13 *"The impact of ethnicised politics on the disbursement of public funds in Kenya; case of bursary fund in Gilgil Constituency"*.

The finding above is affirmed by the Auditor General on page 26 of this Report which says; *"There are concerns that CDF monies are not managed in a transparent manner; that many CDF projects are not useful to local communities; and that local communities are not sufficiently involved in its management. Numerous cases of falsified accounts and fraudulent records, including, fabricated records of construction works that have not been undertaken at all (ghost works), fraudulent billing for project activities, and falsified labour rolls, unaccounted beneficiaries of bursary given under the NGCDF among others"*. (**Auditor General's Report 2018**). This Report recommends establishment of thresh-holds on public participation and continuous civic education by the County Governments as required by Section 100 of the County Government Act 2012 because as reported on page 29, The Focus Group discussants seemed not to be aware of the either the CDF nor NG-CDF Act of Parliament, neither did they have clue on existence of the regulations. This will ensure meaningful public participation in governance processes. Moreover, the FGD strongly disagreed with the views of the Key Informants on the procurement practice. They



noted that the whole process was clouded in secrecy and that the committees and the Board were unwilling to discuss issues of the fund.

In spite of conflict of interest surrounding management and implementation of the NGCDF Act 2015 project activities, some respondents as read on page 30 of this Report are captured admitting that, *“the benefits of NGCDF cannot be gainsaid since there are both tangible and imperceptible appreciations in terms of the outcomes.* However, on page 32 under Chapter three, on the other hand, another Discussant is quoted saying *“NGCDF projects a preserve of a few contractors and suppliers who control the procurement process.* Nevertheless, the said benefits can still be achieved if the implementation was done by the County Government who are best placed to execute this mandate and be overseen by the Members of the County Assembly.

**Objective 4:** *To assess the engagement of beneficiaries and the stakeholders in the monitoring and evaluation.*

*“In practice, most procurement is carried out by the Constituency Development Fund Committee, and frequently they do not establish a formal Constituency Development Fund Tender Committee. This is contrary to procurement guidelines, and members of the public must insist that procurement guidelines and regulations be adhered to. However, 31.3% observed that those that are invited do not represent main stakeholders from the constituency and an equal (31.3) percent perceived that there was no invitation to attend such meetings, while 60.4% had no idea if the meeting represented major stakeholders from the community. 56.3% of the respondents observed that issues raised during public participation were never addressed. 27% of the Key Informants observed that there were neither rating nor ranking of the proposed NGCDF projects with an equal (13) frequency not agreeing that there was a procurement meeting and due process followed as stipulated in the Public Procurement and Disposal Act (2015)” ppg. 30-31 of this Report.* Such an environment cannot promote healthy engagement of beneficiaries and the stakeholders in the monitoring and evaluation of NG-CDF funded projects.

As presented earlier, discussion on, *“value for money was dotted with claims of lack of transparency, lack of structured involvement and engagement in the procurement process as well as low levels of community capacity to evaluate value for money. Yet all CDF projects are required to use standard government tender documents, including a Bill of Quantities (BQ) prepared by the relevant government department. The Social audit needs to verify that the BoQ is accurate and that the items specified are actually used on the project. In this assignment, no BoQ were availed and all efforts made to obtain from the NG-CDF Managers fell flat. None was willing to discuss this matter. This shows that NGCDF across the Country is managed in a similar way, clad in secrecy and bound by concealment” pg.33.* As stated in the Chapter 3 (pg. 32) on findings; *“Looking at these responses, the ideals of public participation is still embryonic and therefore need for civic education to inculcate national values on the NGCDF managers. The public should as well be empowered to appreciate their role in public affairs discourse”.* The focused Group Discussants in Kibra Constituency reported that the role played by the community in NGCF projects in needs identification is a very limited since

the area MP had a predetermined list of projects to be implemented and anybody opposing feared the Nyumba Kumi elders and youth who would be used to cause bodily harm.

Therefore, this Report recommends that all public funded projects must have a constituent driven Monitoring, Evaluation, Research and Learning [MERL] framework. This means that every project being initiated must be informed by either situation analysis or a baseline survey and in this way the citizenry will be assured of value for their funds derived from taxation. Any oversight committee under such arrangement will definitely deliver on its mandate adequately in as far as ensuring adherence to the laws and procedures in place. This recommendation is anchored on this sentiment from one of the Respondents captured under Chapter three on findings. It says:-

*“On the planning process, the respondents suggested the following;*

*Include all the area leaders; ensure accountability in the entire process. Monitoring and evaluation team ought to be in place; Committee should be trained on the procurement law, the date of advertising and time should be communicated to allow as many people as applicable to bid; planning to be done at the beneficiary level. Validation should be done at the ward level based on the need and the community should be actively involved; the people should be more involved in the planning process and a lot of research on the needs of the people should be undertaken; allow key stakeholders to actively participate in the process.*

## **Conclusion**

THE OBJECTIVES OF THE KUTOKA NETWORK SOCIAL AUDIT AS ENUMERATED ON PAGE 12 UNDER CHAPTER 1, ARE FOLLOWS:

- a) To examine the legal and institutional frameworks as well as the obligatory, systemic, and procedural steps that NGCDF committees followed in the implementation of the projects.
  - b) To measure the extent to which the project activities were conducted in a transparent and participatory manner.
  - c) To interrogate all project activities and service delivery performance for determining the extent to which the project has contributed to the overall socio-economic improvement of the constituents.
  - d) To assess the engagement of beneficiaries and stakeholders in the project monitoring and evaluation.
- 
- a) Despite the fact that the NG-CDF Kitty is the most structured with legislation (though its constitutionality is in question), unlike most of the devolved funds its legal and institutional frameworks as well as the obligatory, systemic, and procedural steps are inadequately followed.
  - b) As established above, there is minimal transparency with no meaningful participation of the Constituents as far as identification and implementation of the project activities.

- c) It would be unfair to conclude that the NGCDF Project activities and service delivery performance have not contributed to the overall socio-economic improvement of the constituents. However, the impact would be greater if the implementation was not highly conflicted and violating the principle of checks and balances as well as separation of powers between the Executive and the legislature.
- d) The engagement of beneficiaries and stakeholders in the project monitoring and evaluation is superficial and as recommended above, there is an elaborate monitoring and evaluation framework as in the private sector.

**Report by Mutangili J, Muthama**

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*NB: To be referenced properly*