



NAIROBI CITY COUNTY
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INCLUSIVITY, PUBLIC PARTICIPATION AND CUSTOMER SERVICES

Office of the County Chief Officer - Public Participation, Citizen Engagement and Customer Service

NAIROBI CITY COUNTY GOVERNMENT

DEPARTMENT OF PUBLIC PARTICIPATION AND CITIZEN ENGAGEMENT

**DRAFT PUBLIC PARTICIPATION AND CIVIC EDUCATION GUIDELINES FOR BOTH
INTERNAL AND EXTERNAL STAKEHOLDERS ENGAGEMENT**

2024

Foreword

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Acronyms

CBOs	Community Based Organisations
CSOs	Civil society organisations
NSAs	Non State Actors

CHAPTER 1: INTRODUCTION

1.1 Background

The National Government has taken time since the advent of devolution in 2013 to come up with a policy and law on public participation. Currently, there is a draft public participation policy of 2018 and a Public Participation Bill in the Senate. Nairobi City County passed the County Public Participation Act in the year 2016 which has been useful in promoting sound public and stakeholders engagement in the County. Lack of a National Policy on Civic Education and Public Participation did not help in the coming up of the law. The County itself did not have a County Policy on Civic Education and Public Participation hence the Act has for a long time needed amendments to help it be more effective. The problem is compounded by the lack of guidelines and regulations on Public Participation and civic education to better define what adequate, sufficient and meaningful public participation will look like. Nonetheless, Nairobi City County has made great progress in realizing the devolution dream through public participation in the development planning process at key stages. Partnerships with various NSAs have improved the conduct and inclusivity of public participation both through physical forums and online fora. Generally, there is satisfaction with the current approach, but the county identifies gaps in its participatory method:

- The county holds its public participation forums in the sub county level which disenfranchises many citizens who desire to have the forums in the wards and in the neighbourhoods
- The county took long to adopt technology to increase access to public participation
- Civic Education before public participation has not been deliberately implemented hence meaningfulness of the PPFs is still low
- Coordination, reporting and collaboration with NSAs in civic education has not been well defined
- Participatory project implementation and monitoring has not been embraced resulting into low accountability
- The county's approach is not representative of all societal segments or localities. Representation of persons with disabilities and other marginalized groups is still low. Additionally, most forum participants are residents living near the venue, indicating limited access for the majority.
- While forums should be representative, meaningful dialogue between the government and citizens is necessary. The approach should facilitate smooth, meaningful deliberation to achieve quality citizen input in decision-making.
- For effective citizen engagement, people need timely access to information that is easily understood and accessible.
- Lastly, to prevent fatigue, the participatory approach should be coordinated across administrative units. Participation should be harmonized and sequenced, with clear roles outlined in the decision-making process.

1.2 Legal and Policy context

The guidelines aim to address challenges in conducting public participation as required by constitutional and legal provisions. The guidelines are developed based on the national model guidelines from the Ministry of Devolution and Planning (MoDP) and are designed to strengthen the Nairobi City County Public Participation Act 2016. They also aim to enhance collaboration with individuals and neighbourhood associations in solving service delivery gaps in the communities. These guidelines apply in conjunction with relevant laws, regulations, and guidelines, including but not limited to the following: The Constitution of Kenya, the County Government Act 2012, the Public Finance Management Act 2012, and the Public Finance Management Regulations 2014, Nairobi City County Public Participation Act of 2016 and Nairobi City County Community and Neighbourhood Associations Engagement Act of 2016.

1.2.1 Global Commitments

In 2024, the County Government reactivated and was successfully selected to participate in the Open Government Partnership (OGP). Among its four commitments was public participation with deliberate intention to address the identified issues above through development of public participation framework to provide guidelines.

1.2.2 Constitution of Kenya, Acts of Parliament and Nairobi City County laws

1. Constitution of Kenya, 2010

- **Article 10:** National values and principles of governance include public participation.
- **Article 118:** Requires Parliament to facilitate public participation in the legislative process.
- **Article 174(c):** One of the objects of devolution is to give powers of self-governance to the people and enhance public participation.
- **Article 196:** Requires County Assemblies to conduct their business transparently and facilitate public participation in their legislative and other business.
- **Article 201:** Principles of public finance include openness and public participation in financial matters.
- **Article 232(1)(d):** Principles of public service include involvement of the people in the process of policy-making.

2. Acts of Parliament

- **County Governments Act, 2012**
 - **Section 87:** Principles of public participation.
 - **Section 91:** Establishment of modalities and platforms for citizen participation.

- **Section 115:** Public participation in planning and development.
- **Public Finance Management Act, 2012**
 - **Section 35(1):** Requires public participation in the budget process.
 - **Section 125(2):** Public participation in the county budget process.
- **Urban Areas and Cities Act, 2011**
 - **Section 22:** Public participation in the governance of urban areas and cities.
 - **Section 21(1):** Establishment of mechanisms for public participation in urban areas and cities.
- **Environmental Management and Coordination Act (EMCA), 1999**
 - **Section 3(5):** Ensures public participation in environmental governance.
- **Public Procurement and Asset Disposal Act, 2015**
 - **Section 68(3):** Public participation in procurement processes.
- **Access to Information Act, 2016**
 - **Section 4:** Ensures public access to information held by public bodies to enhance public participation.

3. Nairobi City County Laws

- **Nairobi City County Public Participation Act, 2015:** Establishes mechanisms for public participation in the county.
- **Nairobi City County Urban and Physical Planning Act, 2015:** Provides for public participation in the preparation of county spatial plans and urban plans.
- **Nairobi City County Community and Neighborhood Associations Engagement Act, 2016:** Enhances public participation at the community level.

1.3 Rationale for the guidelines

The constitution in various chapters and clauses requires that public participation be undertaken at all levels of government before officials and bodies make official decisions. However, it is important to note that public participation is essentially a new process in Kenya today. It is a complex and not well understood concept and process. The process is often unstructured and undertaken in a token and compliance seeking manner. Additionally, there is insufficient civic education and little capacity building for citizens to enable them to engage in the process in an informed, structured, and meaningful way. Currently, citizen participation in decisions affecting them is highly limited.

1.4 Guiding Principles

- Adequate consideration and response to proposals submitted by the citizens
- Citizens are guaranteed, individual and collectively, equal rights, conditions, and opportunities to participate and have an influence on decisions adopted
- Different cultural identities are valued, respected and recognized for the construction of equality in diversity
- Information generated or owned by the Public Participation Forums shall be made public and shall be freely accessible to the public
- Participation must promote development of relations for mutual cooperation and assistance amongst county residents and institutions
- Public participation processes shall be inclusive, non-discriminatory, and open to all county residents and stakeholders.
- Public participation processes shall be transparent, with all relevant information provided to the public in a timely and accessible manner.
- The process shall respect and promote the diverse cultural, economic, social, and political views of the residents of Nairobi City County.
- Clear, accurate, and relevant information shall be communicated to the public in a language and format that is easily understood.
- The County Government shall promote and facilitate the capacity of citizens to engage in public participation processes effectively.
- Public participation activities shall be conducted in a timely manner, allowing adequate time for input from the public before decisions are made.
- Public participation forums shall be physically and socially accessible to all, including marginalized groups, and shall be conducted in venues that are convenient and accommodating.
- Mechanisms shall be established to ensure that the public is informed of the outcomes of their participation and how their input has influenced the final decisions.

1.5 The Guidelines Development Process

1.6 The Guidelines and Standards on public participation

These enumerated guidelines and standards are given in the view that commitment to them will cause meaningful public participation in the county.

A. Standards/Guidelines Applicable During Stakeholders Mapping and Identification

- All stakeholders including persons with disabilities, the elderly, children, women, youth, refugees, minorities shall be afforded opportunities to participate.
- The process of stakeholder mapping and identification shall be transparent, with clear criteria and methods communicated to the public.
- The stakeholder identification process shall be sensitive to the cultural dynamics within Nairobi City County including recognizing and respecting different cultural practices, languages and norm.
- All steps taken during the stakeholder mapping and identification process shall be thoroughly documented including the methods used for identification, the list of identified stakeholders, and the rationale for their inclusion or exclusion.

B. Standards/ Guidelines Applicable On Notification and Communication

- Reasonable notice of between 7 and 21 days before a public participation forum shall be given.
- Documents for the public participation shall be available at least 7 days before a public participation
- Links for virtual/online participation shall be widely distributed through multiple channels, including social media, email, and community networks
- All notifications and communication materials shall be provided in multiple languages commonly spoken in Nairobi City County, including Swahili and English, ensuring that language is not a barrier to participation.
- Communication materials shall be provided in accessible formats for persons with disabilities, such as Braille, large print, and audio formats.
- Notifications for public participation shall be disseminated through a variety of communication channels, including local newspapers, radio, television, community notice boards, and social media platforms.

C. Standards/ Guidelines Applicable On the Public Participation Forums' Management

- Observance of timeliness.
- Presence of sign language interpreters and special visual equipment; braille shall be availed as reasonable as possible
- Civil decent and courteous language
- Fair/ equitable chance for all to speak including the youth, old, disabled persons, women and the marginalised.

- Venues shall be easily accessible to all
- Virtual participation options shall be provided, including online streaming and interactive platforms, to accommodate those who cannot attend in person.
- The proceedings of the public participation forums shall be properly documented, including minutes, video/audio recordings, and lists of participants.

D. Standards/ Guidelines Applicable On Report Writing

- The report shall fairly represent views of the people
- The report shall comprehensively cover all aspects of the public participation process, including the objectives, methods used, key discussions, and outcomes.
- The report shall respect the confidentiality of sensitive information shared during the public participation process.
- The report shall be completed and distributed to relevant stakeholders in a timely manner, typically within 30 days after the public participation process concludes.
- The report shall be made accessible to the public, including through online platforms, community centres, and public offices.

E. Standards/ Guidelines Applicable On Feedback Giving to the Public after Public Participation.

- Feedback shall be given in 30 days after a public participation
- Feedback shall be comprehensive and detailed, addressing all major issues and questions raised during the public participation process.
- Feedback shall be documented and made publicly available, ensuring transparency in how public input was used in the decision-making process.
- Feedback shall be inclusive, ensuring that all groups, including marginalized and vulnerable populations, receive information.
- Feedback shall be provided in accessible formats for persons with disabilities, such as Braille, large print, and audio formats.

F. Standards/ Guidelines Applicable On Right of Appeal

- A reasonable and defined time frame for filing an appeal shall be provided, typically within 14 to 30 days following the communication of decisions or outcomes.
- Information about the right to appeal shall be clearly communicated at the outset of the public participation process.
- The appeal process shall be transparent, with clear procedures outlined and made publicly available.
- Appeals shall be reviewed by an impartial and independent body or committee, ensuring that the process is fair and unbiased.

- The outcomes of appeals shall be communicated to the appellant and relevant stakeholders in a timely manner.
- The appeal process shall be accessible to all, including persons with disabilities, non-literate individuals, and those with limited access to digital technologies.

G. Standards/ Guidelines Applicable On Public Participation Records

- All aspects of public participation, including attendance, submissions, minutes of meetings, decisions, and feedback, shall be thoroughly documented.
- Records shall be created and maintained in a timely manner, ensuring that documentation is completed shortly after public participation events or submissions to preserve the accuracy of the information.
- Records shall be securely stored and preserved to prevent loss, damage, or unauthorized access.
- A standardized format for record-keeping shall be used across all public participation activities.
- Public participation records shall be periodically reviewed and audited to ensure they are complete, accurate, and up-to-date.
- All aspects of public participation, including attendance, submissions, minutes of meetings, decisions, and feedback, shall be thoroughly documented.

H. Guidelines Applicable to Public Participation Forums that are Privately Executed

- Minutes should be filed within four days after the meeting is held.
- The minutes should be reviewed and approved by the participants of the meeting before they are filed.
- Ensure that the minutes and the process of filing them comply with any relevant legal or regulatory requirements.
- The minutes should be distributed to all participants and relevant stakeholders promptly and not later than 7 days.
- The minutes should be reviewed and approved by the participants of the meeting before they are filed.

1.7 The Guidelines and Standards on Civic Education

- Civic education programs shall be inclusive, covering a broad range of topics relevant to all residents, including governance structures, citizens' rights and responsibilities, legal frameworks, and participatory processes.
- Civic education programs shall have clear objectives and desired outcomes.
- Educational materials shall be accessible and written in clear, understandable language.

- Educators and facilitators involved in civic education programs shall receive appropriate training and resources.
- Efforts shall be made to promote civic education programs widely, using various channels such as social media, community radio, local newspapers, and public notices.
- All NSAs and CSOs involved in Civic Education shall share their programmes and calendar of events to the Directorate of Public Participation and Citizen Engagement every January of each new year
- All NSAs and CSOs involved in Civic Education shall give report to the Directorate of Public Participation and Citizen Engagement on their achievements for each quarter of a year within the next month after the quarter has come to an end. A template as agreed with the NSAs will be part of these guidelines in the schedules section.

1.8 The Guidelines and Standards on Children’s Participation

1.9 The Guidelines and Standards on Refugees and Non-Citizen Participation

1.10 The Guidelines and Standards on Digital Participation

1.11 The Guidelines and Standards on Evening Participation

CHAPTER 2: GUIDELINES IMPLEMENTATION FRAMEWORK

2.1 Guidelines Goal

The objective is to establish a comprehensive and sustainable framework for public participation in Nairobi City County that ensures all citizens have adequate, informed, accessible, inclusive, and meaningful opportunities to engage in, influence, and contribute to the county's governance processes.

2.2 Guidelines Objectives

1. To foster on-going dialogue and relationship-building with the public while ensuring the process is inclusive, accessible, and open to all citizens, including marginalized and vulnerable groups.
2. To establish transparent mechanisms for accountability and feedback, ensuring that citizens' inputs are considered and clearly communicated in decision-making processes.
3. To create inclusive and accessible participation opportunities, providing multiple platforms for engagement and valuing diverse voices and perspectives.
4. To enhance public understanding and capacity by providing citizens with timely, relevant, and accurate information, along with training and education to enable informed decision-making.
5. To empower the public with decision-making authority, collaborating with them in every phase of the process and actively seeking their feedback.
6. To engage directly with the public throughout the decision-making process, ensuring that all community members have an equal opportunity to participate and contribute.
7. To strengthen the capacity of both the public and county officials to effectively engage in public participation processes, allocating resources and providing necessary training.
8. To actively seek, incorporate, and communicate how public feedback influences decision-making, fostering a transparent and inclusive environment.

2.3 Public Participation Structures

Conduct of Public Participation shall be guided by a well-functioning system to be established as described below:

Multi-sectoral and inter-governmental coordination, collaboration and team work will be encouraged to ensure optimal use of investments and resources in conduct of Public Participation. Oversight and coordination is also needed at all levels, in each of which focal points are needed, as well as structures ensuring smooth coordination with NGO partners and vertical programs having components of public participation.

2.3.1 Ward Public Participation Forum (WPPF)

- At the ward level, coordination will be managed by the Ward Administrator and Technical Advisors from line departments. The Ward Administrator will chair the WPPF and:

- Act as the focal person for public participation, ensuring coordination within the ward and with partners.
- Call, organize, and chair Forum plenary meetings, and prepare the minutes.
- Consolidate proposals for Forum plenary meeting agendas.
- Keep the minutes, documents, and correspondence organized and updated.
- Perform additional duties assigned by the Forum Plenary.
- The Forum Plenary will meet face-to-face at least once a year and hold special sessions as needed, coordinated by the Chair in collaboration with the County Secretariat.
- The WPPF will include 4 members from each Sub Location or Location, various interest groups like Development Agencies, Civil Society, Community-Based Organizations, and representatives of Line Departments at the ward level.
- To integrate gender, HIV/AIDS, and environmental issues, organizations in these areas will automatically be included in the WPPF.
- The WPPF will be conducted through Focus Group Sessions based on the meeting's purpose. For example, budgeting sessions will be sector-based.

FOCUSED GROUP SESSIONS BY SECTORS

- The Secretariat, in coordination with the Ward Administrators shall maintain an up to date informative registry of the various interest groups, community networks as well as the citizenry platforms that participate and/or express their interest in participating at Public Participation Forum. The registry shall include general information about the social actors, such as name or mission, vision, statement of principles, trajectory and membership to networks and shall not condition participation of interest groups.
- Interest groups shall be required to make submissions through memoranda at least seven (7) days prior to the holding of the WPPF to enable inclusion of the content in the discussions for the various areas under discussion. The format for is provided below:

FORMAT FOR SUBMISSION OF MEMORANDA

- With respect to Budgeting the WPPF shall hold 2 sessions.
 - In the 1st session the Forum Plenary shall through consensus prioritize and rank identified issues and interventions into the template attached below and copies of the template forwarded to the Secretariat.
 - The 2nd session will be conducted by CECMs, for the final budget with projected costs.
- With respect to Assembly Bills the WPPF shall hold one sessions, the Forum Plenary shall use the template provided for submission of proposed amendments and shall then submit the template to the Clerk of the County Assembly.

2.3.2 Sub County Public Participation Committee (SCPPC)

- At the sub county level, coordination will be done by the Sub County Administrator and Technical Advisors drawn from line departments.
- Each sub county may optionally establish a Sub County Public Participation Committee (SCPPC) with guidance from the Sub County Administrator who shall be the Chair of the Committee.
- The SCPPC shall mainly comprise of technical members drawn from line departments.
- The SCPPC shall compile all the issues and interventions identified for all wards into the template attached below and copies of the template forwarded to the County Secretariat.

2.3.3 County Secretariat / Sector Working Groups (SWGs)

- Overall coordination and planning for conduct of public participation will be under the leadership of the CECM, Finance and Economic Planning and will be supported and advised by a Secretariat comprising of members nominated by the County Secretary and will also include representation from key implementing partners.
- The Secretariat will coordinate efforts with Sector Working Groups (SWGs) formed at County level and comprising of Line Departments in the County and National Governments, NSAs and other stakeholders, for the purpose of budgeting. They will deliberate on the best strategy and initiatives for addressing the identified needs which will then be costed and documented according to best cost management practices and captured in respective sector reports.
- The Secretariat will also assist the County Assembly, if so required to carry out Public Participation of Bills and also organize for the conduct of Open Forums.

2.3.6 Organogram for Public Participation in the Budget Process

Creating an organogram for public participation in the budget process involves illustrating the hierarchy and flow of decision-making, showing how public input is gathered, processed, and incorporated into the budget. Below is a general structure:

1. Citizens/Public

- Role: Provide input, feedback, and proposals on budget priorities.
- Engagement Methods: Public forums, town hall meetings, surveys, online platforms, public hearings.

2. NSAs and Community Groups/Civil Society Organizations (CSOs)

- Role: Facilitate public engagement, advocate for specific community needs, and compile public input.

- Engagement Methods: Workshops focus groups, direct advocacy, and submission of reports to government bodies.

3. Local/County Government

- Departments/Agencies:
 - Role: Collect public input, draft local budgets, and present proposals.
 - Engagement Methods: Local consultations, budget preparation meetings, integration of public feedback.

4. Budget Committees (Local or Regional)

- Role: Review budget proposals from local government, consider public input, and make recommendations.
- Engagement Methods: Committee meetings, public consultations, and report

5. Legislative Body (City County, Parliament, etc.)

- Role: Review, debate, and approve the budget, ensuring public input is considered.
- Engagement Methods: Public hearings, legislative debates, voting sessions.

6. Executive Branch (Mayor, Governor, President)

- Role: Final approval of the budget, incorporating legislative amendments and public input.
- Engagement Methods: Final budget presentation, public addresses, signing of the budget into law.

7. Implementation and Monitoring

- Role: Execute the approved budget, monitor spending, and ensure transparency.
- Engagement Methods: Public reporting, audits, citizen oversight committees.

8. Feedback Loop

- Role: Continuous review of budget implementation with on-going public participation.
- Engagement Methods: Periodic reports, follow-up surveys, additional public meetings.

This organogram visually organizes the key players in the budget process, demonstrating how public participation is integrated at each stage.

2.4 Financing

- The county government will commit adequate financial resources through its budgeting processes to meet the objectives of these guidelines.
- The county government will seek assistance from partners interested in supporting public participation and civic education.
- Non state Actors, Civil society organisations (CSOs) and community based organisations (CBOs) will endeavour to support the operationalization of the guidelines by working through the established structures.
- Partner and private sector have a role to support financially the implementation of these guidelines in their areas of operation.

2.5 Petitions

- Any county resident not satisfied with the outcome of public participation at any of the levels indicated shall be able to raise their concerns or objections through written memoranda and submitting it to the next level seven (7) days before the matter is received and discussed.
- Any petition submitted afterwards will be assumed to be overtaken by events and shall be forwarded to the Secretariat for further direction.
- Any petition submitted before the conduct of public participation at the level intended shall be received as memoranda from a private citizen and shall assumed to constitute part of the issues raised during the plenary sessions.

CHAPTER 3: CIVIC EDUCATION

Ward or Village Civic Education Forums

1. A ward administrator may convene a civic education forum within their jurisdiction and the Director Public Participation and Civic education shall facilitate the organisation of the forum to-
 - improve understanding, appreciation and engagement in the operationalization of the county system of government;
 - institutionalise a culture of constitutionalism;
 - Heighten demand by citizens for service delivery by institutions of governance at the County level.
 - enhance ownership and knowledge on the principal economic, social and political issues facing the County administration and their procedures;
 - enhance appreciation for the diversity of communication in the County as building blocks for county cohesion and integration; and
 - Such other pillars of civic and public education as ay be directed by the Director.
2. The Director shall be required to facilitate the organisation of regular civic education forums.

County Civic Education Objectives

1. The county directorate of Public Participation and Citizen Engagement shall perform such activities to provide civic education for the objectives as follows-
 - To enhance knowledge and understanding on the constitution of Kenya 2010;
 - To educate Nairobians on the national values as enumerated in article 10.
 - To promote constitutionalism and upholding to the rule of law;
 - To increase efficiency and effectiveness in implementation of Devolution;
 - To support the expansion of citizen participation in public affairs and political processes particularly for the marginalized groups and communities;
 - To enhance effectiveness and efficiency in advocacy and lobbying for the implementation of community projects to quality basic service delivery by the duty bearers/government
 - To promote fulfilment of access to human rights and responsibilities according to county government Act section 137.
2. The county public service board shall appoint a deputy director in charge of civic education within the directorate.
3. Certified civic education providers who are NSAs may conduct civic education in the county as per County civic education guidelines.

4. NSAs shall coordinate with the directorate at all times as they carry out civic education in the County.

Reporting on Civic Education

The directorate shall publish a quarterly report on

- Number of certified civic education providers available.
- Number of civic education secessions conducted by the civic educators.
- Number of citizens reached with civic education.
- Assessment of the impact of civic education conducted by the civic educators.

Annexes

Annex 1: Steps for conducting Community Dialogue

Step 0: Monitoring, evaluation and feedback

Participatory evaluation involves a collective reflection of achievements, identifying what went well and why particular actions did not go well. Participatory evaluation creates a learning process for the program recipients, which helps them in their efforts. After the evaluation process the necessary feedback should be provided. This promotes ownership of the process and the will to do better next time. Reinforcement is also important to motivate participants to do better or sustain the desired behaviour. This can be done for previous projects implemented by the County.

Step 1: Identifying the Issue

The initial step in initiating a community dialogue involves recognizing the problem or issue at hand. For example, the focus could be on HIV and AIDS, particularly HIV testing and counseling (HTC), human rights, or gender-related concerns. Alternatively, the issue might be poor hygiene and sanitation resulting from a lack of clean water and sanitary facilities. At this stage, the team identifies the existing issues, assesses the community's current efforts to address them, evaluates whether these actions are producing the desired results, and identifies any constraints or challenges faced by the community. The discrepancies between the desired behaviors and current practices will highlight what needs to be done to address the problem.

Step 2: Analyzing the Problem

Problem analysis requires a comprehensive examination of the issue at hand. Questions to consider include:

- What are the underlying causes of the problem?
- Is this issue a widespread concern in the community, or is it perceived as affecting only a few individuals?
- How is the community currently responding to the problem? What knowledge, attitudes, practices, and beliefs does the community have regarding the issue?
- Has the community engaged in dialogue on this issue before?
- Have traditional, religious, and political leaders been involved in addressing the problem?

Step 3: Identifying the Best Options

This step helps identify the most effective options for addressing the issue. The focus is on determining the actions needed to achieve the desired behaviors and ensuring their sustainability. The options identified are then prioritized based on their effectiveness, feasibility, relevance, and appropriateness within the context of the community.

Step 4: Collaborative Planning

During the planning stage, participants review the priorities established in the previous step and create a detailed plan using the provided template. The plan will outline the following elements:

- What actions will be taken.
- The timeline for these actions.
- The roles and responsibilities of individuals and local partners.
- Indicators of success.
- Participatory tools for monitoring and evaluating the actions.