



# PTD Newsletter

Partnership for Transformational Devolution

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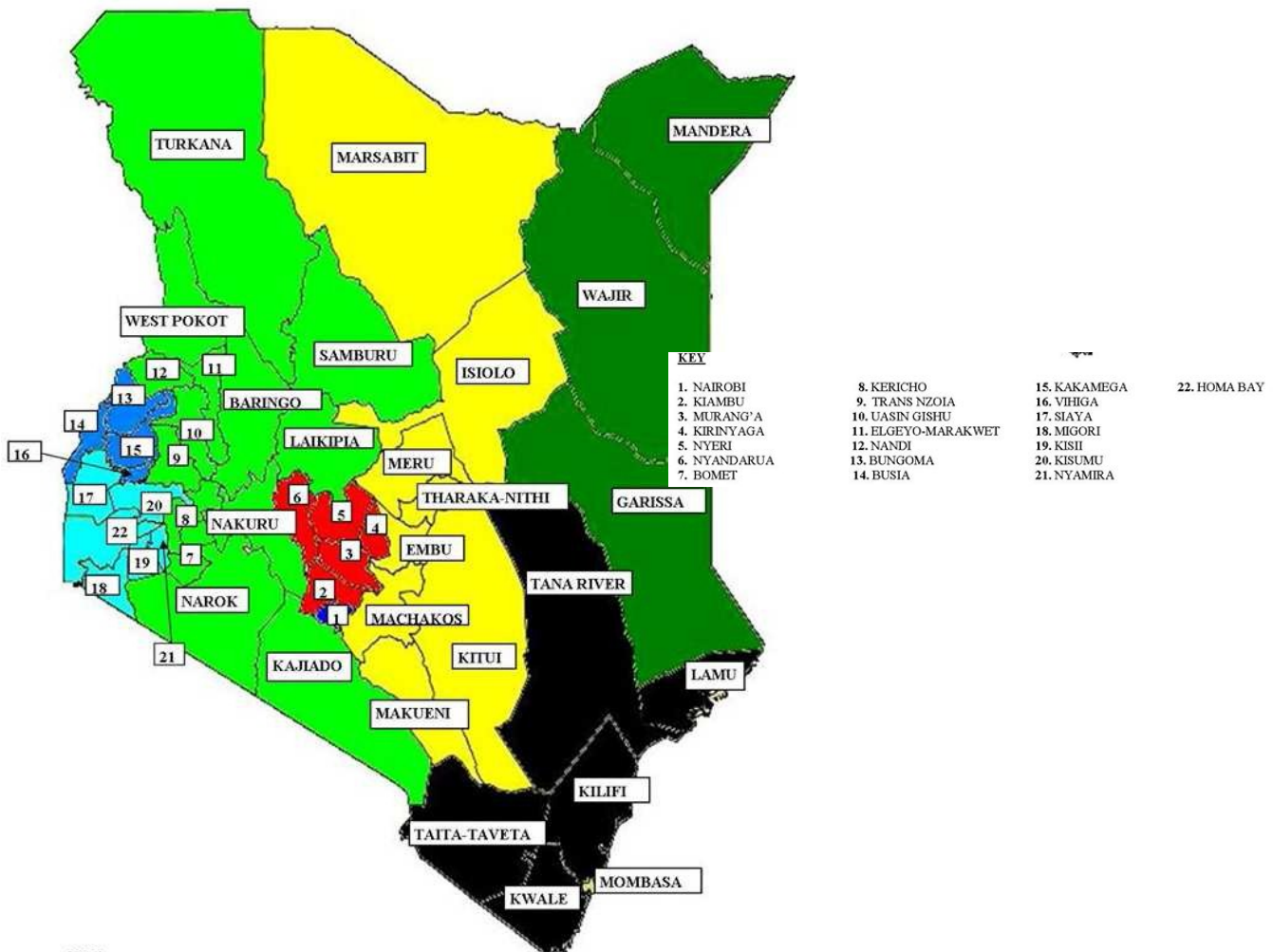
Strengthening the capacities of state and non-state actors  
for effective devolved governance in Kenya



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COUNTIES OF KENYA





## WORD FROM THE EDITOR'S DESK

Dear Readers,

**Thank you for taking interest in and supporting the project “Partnership for Transformational Devolution (PTD)”!** This is the newest edition of the newsletter with updates from areas where we have been working with citizens as well as county institutions supported by the European Union to strengthen the devolved governance system by making it more accountable, participatory and effective.

**This year has been marked by repeated election campaigning and political debates creating a challenging environment for the project implementation.** Nevertheless, the project partners have continued their efforts to reach our objectives to increase the awareness about devolution and citizen engagement opportunities, to establish sustainable platforms like Citizens Oversight Forums (COF) to hold county governments effectively to account and to foster participation ensuring more effective and efficient decision making tailored to the needs of the local population.

**Successes have been achieved where citizens have become actively involved in county affairs in order to increase delivery of public services, to empower youth and women, and to solve matters of accountability.** Nevertheless, challenges remain ahead for devolution, especially in light of the tensions exacerbated during the election period.

**In this newsletter edition local journalists from the Rift Valley and the Coast region invite us to see devolution from their perspective.** They show achievements such as children who can attend school due to devolution or the construction of markets enabling women and youth to gain entrepreneurial skills and empower themselves economically. However, they also point out challenges like shortcomings in the health sector or public participation.

**Our partner organizations CJPC, CEDGG and MAPACA draw our attention to different issues and developments in the counties.** Examples show how Citizen Oversight Forums provide a platform for citizen participation, and how the Ethics and Anti-Corruption Commission and Court Users Committees address issues of justice. At the same time they remind us that the success of the Constitution of 2010, of devolution and of a strong democracy should not be taken for granted in particular in a time of a difficult political climate and that civil society should be appreciated by political leaders.

We hope this Newsletter will be a good read for you!

Best regards

The PTD-Project-Team

## WORD FROM THE DIRECTOR

Dear Readers,

**The Constitution of Kenya 2010 has the objective to strengthen democracy and public participation by having 47 counties with their own legislative and executive branches.** People should have easier access to their representatives so that they can hold them better accountable. On August 8<sup>th</sup>, Kenyans had the possibility to elect their Governors, Deputy Governors and Members of the County Assembly (MCAs). They could thereby, on the one hand, assess the past performance of the incumbents, and, on the other hand, grant their trust to those candidates they consider as most capable to shape their future in a good way. When we look at the results at county level the message of Kenyans to their former and to their future representatives was very clear: WE HOLD YOU ACCOUNTABLE!



**However, democracy is more than elections! It also means constant participation and engagement of the people.** The Constitution offers a variety of venues to participate in the county decision-making processes, for example by petitions, memoranda or simply by getting in touch with the policy-makers. In all 47 counties, the process of formulating the County Integrated Development Plan (CIDP) for the forthcoming years is on the way. It specifies how the county will invest in projects to ensure a better development of the region. Therefore, it is important for citizens to engage but also for county authorities to allow and foster such citizen engagement. Another important body is the County Budget and Economic Forum (CBEF). They have been established in all the ten PTD project counties and consequently, could serve as a platform of public participation as well as an expert pool for the county authorities. However, they lack sufficient resources and political support. It should be on the agenda of every Governor to give the CBEF the necessary support!

**Devolution is an ambitious concept and therefore accords Kenya an opportunity to become a role model on the continent. One can begin to see the benefits of Devolution seven years later.** However, such a profound transformation needs time to establish and there are still several challenges on the way. The PTD project is committed to continue its efforts together with its stakeholders to master these challenges.

As the Director of this partnership I am looking forward to work together with our great partners CEDGG, CJPC and MAPACA as well as with the new County Governments and County Assemblies to contribute to the success of Devolution in Kenya!

Thomas Tödting  
Director Program on Devolution Kenya  
Konrad Adenauer Stiftung

## EU ELECTION OBSERVERS VISIT PTD ACTIVITY

**Voter education is an essential requirement with regard to fair, free and peaceful elections. Members of the EU Election Observer Mission (EU EOM) had a first-hand experience at how the Partnership for Transformational Devolution (PTD) project empowered Kenyan citizens in readiness for the general elections in 2017.**

It is 10:00 a.m. in Bangladesh – the biggest slum in Kenya’s second largest city of Mombasa. Kids are playing in the yard of their school, salesmen are selling their goods and the first participants of the community meeting of the Partnership for Transformational Devolution are taking their seats at the event hall next to the school yard.

Such meetings which are part of the Devolution Program co-funded by the European Union are aiming to empower citizens and inform them on their rights with respect to the decisive elections in 2017. “Activities like this build the foundation for democracy and participation since many Kenyans are often not familiar with their constitutional rights”, explains Thomas Tödtling, Project Director of the KAS Devolution Program.



### All eyes on Kenya

On this unique Tuesday, KAS together with the coastal region implementing partner namely the Catholic Justice and Peace Commission (CJPC) are in the business of creating awareness and sensitizing nearly 80 citizens in Bangladesh who will serve as multipliers in their communities. Although it is not the first gathering of this kind, this one is very special since two members of the EU Election Observation Mission (EU EOM) join the event to see how voter education is done by representatives of Mombasa Citizen Oversight Forum.

The facilitators armed with solid information are descriptive about the six elective positions of President, Governor, Senator, Member of Parliament, Woman Representative and Member of County Assembly. In addition, they engage participants in the discussions about the characteristics of a “good” leader and informing them of the regulations to abide by on the election day.



## EU TEAM BERLIN VISITS KENYA

**The KAS project team of the Program on Devolution hosted the EU team from the Konrad Adenauer Stiftung Berlin Office in the first week of October.**

Sabine Harriehausen and Kerstin Liebich participated in a workshop with regard to the remaining one and a half years of the project. In a joint workshop with the implementing partner organisations CJPC, CEDGG and MAPACA in Nairobi, the participants discussed measures to strengthen the sustainability of the program as well as future areas of engagement. The partner organisations wish to continue their involvement for public participation and the process of devolution after the end of the project in February 2019 on local, regional and national level.

After the workshop, the EU team and the KAS project team travelled to Sote in Makueni County in order to join Activity 5 - a public forum on the topic of community level civic awareness. On this occasion, they also met with the Speaker of the County Assembly, Hon. Douglas Mbilu. Together, they discussed the devolution process and the EU-co-financed program on devolution as well as the issue of accountability and public participation.



Project team members from Nairobi and Berlin: Hezan Asiebra, Kerstin Liebich, Sabine Harriehausen, Thomas Tödting, Jane Murutu (from left to right).





## JOURNALIST'S PERSPECTIVE FROM THE COAST

### **CITIZENS IMPROVE THEIR LIVES IN THE VILLAGE THROUGH DEVOLVED GOVERNANCE PROCESSES**

**Life in the remote village of Kinyeule, Magarini in Kilifi County has been difficult until the advent of devolution in the year 2013 brought about by the year 2010 Constitution of Kenya.**

The village with a population of about 2,400 people is located 50 Kilometers from Malindi town and had remained marginalized for years under the centralized system of government. Being located at the bay of the Indian Ocean, residents have had difficulties regarding transportation of goods and services across the salty ocean waters to the village using canoes, while others usually swim across.

**The nearest learning facility in the area is 7 kilometers away keeping some pupils from attending school for fear of drowning while crossing the sea channel.** This had led to high illiteracy level in the village with most youths resolving to become wine tappers and fishermen after dropping out from schools blaming the harsh ocean tides. When journalists toured the area, new rays of hope could be seen in their faces after the County government constructed an Early Childhood Development (ECD) school and introduced boats for transportation. Mr Lawrence Kadenge, a resident and the chairman of Kinyeule Primary school said women used to cross the channel naked to avoid wetting their cloths while going to the market. "Parents used to carry their children across the channel and wait to pick them up from school and teachers used to punish late comers without understanding that the delays were a result of the overflowed channel," he said.

**Mr Kadenge said the situation has been so tough before devolution and most especially when they had to attend to sick people and expectant mothers.** "We now have something that we will never forget in our lives and our children also arrive in school early enough after Governor Amason Kingi introduced two boats for ferrying residents," he added. Gongoni MCA Albert Kiraga agreed that education in this area was still at its lowest and the main reason behind the situation is because of the channel that made it impossible for children to cross on their way to school. "Girls have dropped out of school to get married while our young men engaged in wine tapping and fishing," he said adding that is a worrying situation since only five children are attending secondary education at Kambi ya Waya which is about seven kilometers away.

**The County government has now brought facilities closer to villagers and a modern ECD Centre as well as a health facility at Kambi ya Waya to assist residents in the area.** Ms Fatuma Changawa, a teacher at Kinyeule ECD centre said pupils used to study under trees until when the County government constructed the learning facility. "The boats have really helped to encourage enrollment in school and parents no longer have to worry about the transport of their children as it used to be," she said.

**Ms Changawa said she feels sad that many girls of her age and other even younger than her have dropped out of school for marriage and most of them now live a miserable life.**

Charles Lwanga  
Nation Newspaper Journalist



## JOURNALIST'S PERSPECTIVE FROM RIFT VALLEY

### WALK THROUGH BARINGO COUNTY UNDER DEVOLUTION

**Since the inception of devolution in the year 2013, much has been done in the counties and the lives of people have drastically changed with some of the major flagship projects being implemented across the country.**

In Baringo county, development has been witnessed in some parts, especially in urban towns e.g Kabarnet which is the county's headquarters, Kabartonjo, Mogotio, Marigat and Eldama Ravine.

These towns have witnessed the coming up of new road networks, market places, street lighting and construction of boda boda shades. This has also led to rural-to-town-migration as business people seek to expand their networks.

However, devolution means nothing to some people since they are yet to enjoy its fruits. Some of the residents in Baringo feel that they have been marginalized and locked out deliberately.

#### **Health**

Areas like Tiaty, lower parts of Baringo North, and parts of Baringo South which have experienced perennial cases of insecurity are still far behind when it comes to development.

Healthcare, which is now a devolved function, has turned out to be a rare service to locals from such areas since some are forced to travel more than 20 kilometers to seek for medical services.

In most cases, pregnant women end up giving birth on their way to a health facility. Such incidences in places like Poi, Bartabwa and Yatya in Baringo North are not new. But in places like East Pokot, midwives are the only "saviours" who always come to the rescue of women in labor.

Unfortunately, some of the women or either the babies lose their lives during the process of delivery due to a lack of gynecologists to handle complications.

The county government has also played a crucial role in equipping the county referral hospital at Kabarnet, which has an operational renal unit, X-ray unit and theater section.

However, the only challenge which has been witnessed there, is the lack of qualified medical personnel to carry out some of the crucial and complicated cases of emergency within the facility. This has resulted in most patients being transferred to the neighboring Eldoret Referral Hospital.





### **Infrastructure and Trade**

Feeder roads within the county have also been witnessed in the most remote parts of the county. This has assisted in opening up those areas which had before proved inaccessible.

Construction of market places in regions like Kabartonjo, Mogotio, Eldama Ravine and Kabarnet has also enabled women and youth to gain entrepreneurial skills and empower themselves economically.

The only challenge with this is that the traders complain of being forced to close their businesses early in the evening especially during rainy days, since the newly built market stalls have not been covered round which gives room for cold and rain water to splash through it.

### **Education**

Construction of ECDE centers has also more than a doubled but the meager monthly pay (Shs7,000) of teachers has become the dark shadow lurking behind the early child education programmes in the county.

In his inaugural speech, Baringo Governor Stanley Kiptis promised to increase the pay of those teachers, something which he noted that his predecessor Benjamin Cheboi failed to achieve.

Also the provision of free sanitary pads to school going girls which came as a result of devolution has helped a lot to foster the academic performance of the girl child within the county.

### **Public Participation**

During budget making meetings, the number of people who turn up to throw in their voice about the same are quite few. A number which is worrying, leaving one to wonder where the problem might lie.

This has always been associated with the lack of awareness which could have been gained through civic education, but also many people ask first if there is 'something small' they will be given at the end of every meeting.

### **Development and Natural Resources**

The private sector will also not escape the blame for the lack of milestone transformations in Baringo county. Most of them have opted to invest in other counties for the fear of insecurity and others viewing the region as sleepy and not conducive enough for multimillion business empires.

Baringo is one of the lucky counties which has been blessed with natural resources like Diatomite, Oil, Geothermal, and also tourist destinations like Bogoria Hot Springs, Lake Baringo, breath taking landscapes including Tugen Hills and Tiaty Hills.

However, the county government has reaped less in terms of revenue due to poor strategies put in place.

The previous county administration failed to publicize and market these tourist attraction sites for generating revenue which would otherwise impact positively on people's livelihoods.



More still needs to be done in these areas, as locals are optimistic that the new administration will take the bold step of tapping and exploiting these natural resources for the benefit of all.

### **Role of NGOs**

It goes without saying that CSOs CBOs, NGOs and also the religious community have tried to shed light on important issues which has touched the core living standards of residence. For example, Bishop Lokales Masika from Machakos county has travelled all the way to come and reform Pokot bandits to practice an alternative source of living. CEDGG, Konrad Adenauer Stiftung and Hand in Hand East Africa are some of the organizations which have dedicated themselves to support people exercise their constitutional rights.

The organizations have been holding forums at sub county levels to train people on how to ensure that they benefit fully from devolution. Albeit, both the national and the county governments need to contribute with more resources to strengthen these bodies.

### **Youth Empowerment**

The county has also tried to come up with vocational training centers, e.g. stadiums and also ICT hubs which are ongoing projects. These are aimed at giving the youth the chance to nurture their talents.

With the ever changing world on matters of technology, the previous county government had budgeted quite a handsome amount towards establishment of ICT centers across the county. However, most of these projects have so far stalled due to corrupt dealings and poor oversight from the legislature.

The one in Kabartonjo which was expected to have been ready for use by the end of last year is yet to reach midway in construction.

### **Available Solutions**

For every administration to run smoothly, it must have reliable, trustworthy and transparent managers. The citizenry are expecting that the new government will pin down corrupt individuals, do a thorough Human Resource audit as well as financial audit on county funds.

Marketing of tourist attraction sites, exploring natural resources, equitable distribution of county funds which will enhance the principle of decentralization, so that the locals at grass root level will take a sigh of relief whenever they hear the word devolution.

With all these, coupled up with sober leadership and not forgetting the role of the national government of providing security to its people which has been an ugly menace in the county, Baringo will be only comparable to a small haven on earth.

Festus Kipchumba  
Baringo News

## WORD FROM IMPLEMENTING PARTNERS: CEDGG

### **STRENGTHENING IMPLEMENTATION OF DEVOLUTION – THE MOST VIABLE PATH TO NATIONAL UNITY**

**The hotly contested 2017 general elections have left the country divided down the middle. The elections brought to the surface hitherto ‘buried’ ethnic differences, a situation that threatens to claw back all the gains towards national cohesion and integration.** After the acrimonious 2007 elections, the country was jolted to the possibility of a genocide resulting from the manner in which it conducted its elections or handled political differences. The Kriegler report ominously warned that if the Country did not address its deep seated and long standing issues, it would easily sink into genocide of unparalleled proportions. This warning poignantly hanged over the 2013 elections and is perhaps the reason why main political antagonists in 2017 have been ‘a bit cautious’ with their decisions despite pressure from their supporters.

**The swearing in of President Uhuru Kenyatta on 28<sup>th</sup> of November 2017 practically ended the 2017 electoral cycle even with the on-going bickering.** It marked the beginning of Uhuru’s second term in office and the 2022 election cycle. I contend, as many other analysts do, that President Uhuru’s most urgent task is national healing and unity. Whatever options available for the President towards this end must necessarily address the claims of marginalization, discrimination, and exclusion. Any political, policy and administrative decision he makes should, and must be seen to be deliberately working towards this objective. And this is precisely what devolution exists to do and therefore the reason I would advise the President to do nothing more than to put in place measures to fast-track realization of the objects of devolution as spelt out in Article 174 of the Constitution. Rather than the incessant calls for peace and unity, the President and his administration should proactively take steps to fix the various problems that currently bedevil the implementation of devolution.

**As a start point, the President should activate and strengthen the mechanisms for inter-governments relations such as the Summit and the Inter-governmental budget and economic council.** The National Government that he heads should demonstrate respect for County governments and actively consult them in making decisions that would affect their running.

**Secondly, efforts should be made to increase resource allocation to counties on a sustainable basis and ensure the resources are prudently managed to address the needs of the people.** In this regard, the President should decisively deal with corruption by supporting and promoting the independence of public oversight institutions such as the Auditor General, Controller of Budget, Ethics and Anti-Corruption Commission among others. It is obvious that if the President leads the war against corruption and mismanagement of public resources, these institutions shall be more resilient and efficient.



**Thirdly, the national government development agenda for the next five years should focus on promoting equity and not be seen as rewarding political loyalty.** We should see mega development projects coming up in these counties in the next couple of years. Similarly, appointments into various positions should reflect the face of Kenya and be based on merit. Again, the president should, as far as possible, resist the temptation to reward political support at the expense of merit. For example, appointing Hon. Raphael Tuju into office, even if on merit, may not pacify the Luo Community just because Tuju is a Luo. This is not to say that Hon. Tuju should not be given a job but he may not be perceived as the “representative of the Luo Community in Government”

**Fourthly, proactive effort should be made by the national government to strengthen the technical capacity of county governments to execute their functions.** Such should include capacity for revenue raising, capacity for human rights based planning and budgeting, capacity for monitoring and evaluation, capacity for detection and prevention of corruption and capacity for human resource management.

**In addition to strengthening implementation of devolution, government should urgently deal with youth unemployment and step up her efforts to fight poverty.** Fighting widespread corruption would be the departure point in this journey.

Seeing as it is that President Uhuru shall be serving his last Constitutional term in office, he should be concerned about his legacy as the 4<sup>th</sup> President of Kenya.

As things stand, this legacy shall be about whether he manages to pull and hold the country together. It shall not be about the kilometres of roads he builds in certain parts of the country or just about SGR how united, peaceful and stable the country shall be when he steps out of Harambee House and vacates State House.

Paul Masese  
Program Manager  
Centre for Enhancing Democracy and Good Governance





## WORD FROM IMPLEMENTING PARTNERS: CJPC

### MILESTONES AND OPPORTUNITIES IN IMPLEMENTATION OF DEVOLUTION

**This year marks a critical juncture for devolution in Kenya and more importantly in the PTD project counties.** This is because it is the beginning of the second term of county governments and more people are aware of the system than they were during the first term. Therefore, both the county government officials and champions of devolution have a bigger role in strengthening the gains made towards realizing fruits of devolved governments.

**The concept of public participation as enshrined in the Constitution intended genuine and open engagement of public in conduct of public functions.** This is in cognizance of the sovereign power of people in running their governments. Therefore, the county governments have an obligation to provide channels that facilitate people to meaningfully engage for the public good. It is, in the backdrop of this rationale that the PTD project facilitated formation of Citizen Oversight Forums that comprise an amalgamation of local civil society organizations working within the county. As a project it is paramount to point out that the relationship between county governments and local civil society organizations should not be antagonistic in nature but collaborative in finding solutions to the local problems that affect people. In achieving this, the county governments have a duty in ensuring there exists political good will and respectful engagement by the civil society. Therefore, the two should embrace each other and constantly engage on matters of common interest that touch on the public.

**The County Citizen Oversight Forums formed under PTD project continue to make profound impact on the lives of people in society.** This has been made possible by active participation of citizens in various ways ranging from participating in budget making processes, monitoring county governments' expenditure, collaborating in community policing programs to enhance security in communities, creating awareness on education issues, among others. Therefore, as the county governments enter into the second term under the devolved structure of government, it presents more opportunities for collaboration and to strengthen cooperation in areas like development of the second County Integrated Development Plans (CIDP), constitution of inclusive and open county budget and economic forums, enactment of public participation laws in counties that lack and setting up of regulations in instances where the law has been enacted, effective and genuine public participation during budget making processes, setting up operational civic and public engagement liaison desks at the counties, establishing channels of public engagement that work in respective counties among other endeavors that promote public participation.



**In the coast region, the implementing partner Catholic Justice and Peace Commission (KCCB-CJPC) has observed various direct success stories as a result of the implementation of the PTD project.** They include: renovation and refurbishing of Mtondia dispensary in Kilifi county, regular supply of basic drugs and supply of drugs for chronic diseases at Chewani dispensary in Tana River county, formation of Tudor resident association in Mombasa county, increased enrollment of pupils at Bondeni primary school in Tana River, just to mention a few. These achievements are directly attributable to the work of Citizen Oversight Forums in mobilizing citizens at the village level to play a bigger role in running their affairs. These forums have sensitized communities about civil rights as enshrined in the constitutions as well as their obligations towards realization of such rights.

**In conclusion, the Catholic Justice and Peace Commission encourages the county governments in the coast region to continually and meaningfully engage with the Citizen Oversight Forums in realizing the intent of public participation as enshrined in the Constitution.** The achievements of the project objectives have been made possible through the funding by the European Union and Konrad Adenauer Stiftung as a partner keen on contributing to the success of devolution in Kenya. Also the liaison officers in the respective counties (Mombasa, Kilifi and Tana River) as well as local communities have contributed immensely to the success of the project.

Thank you and God bless you

Moses Baithili  
Regional Trainer-KCCB-CJPC  
Coast Region





## WORD FROM IMPLEMENTING PARTNERS: MAPACA

### COURT USERS COMMITTEES CHANGING COURSE OF JUSTICE

**The Partnership for Transformational Devolution (PTD) project with support of the European Union has immensely contributed to the County government's function of creating awareness among the citizens of broad aspects of devolution which are but not limited to public participation, county budgeting and planning, transparency and accountability in service delivery and rule of law.** PTD project has trained on average twenty five CSOs in each of the three counties of Makueni, Machakos and Kitui in Lower Eastern region of Kenya. This culminated to the establishment of three Citizen Oversight Forums (COF), one for each County. COF provide for an independent and self-determined platform for civic engagement with County Authorities.

**However, the PTD project does not only focus on the CSOs but also engage with other key stakeholders such as the Ethics and Anti-Corruption Commission (EACC) and Court Users Committee (CUC).** CUC are forums that are used to bring to account all court participants in the resolution of shared problems. The Committees were born out of a need to coordinate responses to criminal and other justice issues by the Judiciary. They provide an avenue to address in an open consultative approach, a broad range of administration of justice matters both precautionary as well as responsive.

**According to article 159 of the Constitution of Kenya 2010, the Judiciary derives powers from the people of Kenya. Section 35 of the Judiciary Service Act mandates the Judiciary to create the CUC as a platform for public participation in the court processes.** The CUC also exists to ensure justice is served in a timely and just manner for both accused and offended. While implementing the PTD projects, it is expected that COF shall identify issues of concern (Human Rights and justice issues) that affect implementation of devolution. These could also be actions or inactions from both state and non-state actors that amount to or create room for human rights violations. These issues could be discussed directly with the actors involved through the platform of the CUC.

**Generally, the cooperation with local CUC and local EACC contributes to the upholding of the justice through partnerships.** In Makueni County, for instance, members of the public participation village cluster referred a case that has been pending in court and which was at the verge of being dropped to the EACC for further investigations. The case involved the public and a suspect who bought wire mesh and pole posts meant for the Kinyau health facility in Kalawa ward, Mbooni sub-county, which was stolen from the facility.

**Recently, after the meeting held between EACC, CUCs and COFs in Makueni County, MAPACA was coopted as a CUC member, a big win for the civil society.** Moving forward, the public will be sensitized on how to package cases before filing in a court of law. In Kitui County, plans are underway to create awareness on how to preserve evidence and doing away with “Kangaroo courts” - an unofficial court held by a group of people in order to try someone regarded, especially without good evidence, as guilty of a crime or misdemeanor for enhanced justice.

Joyce Mulu

Mobilization Agency for Paralegal Communities in Africa (MAPACA)

Regional Coordinator, Lower Eastern Region





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**“This project is co-funded by the European Union.”**