

# The GLOCEPS

## Weekly Influential Brief

Research Focus: Governance and Ethics

### Strengthening the effectiveness of public participation systems in Kenya

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Let's  
engage  
Xspace

FRIDAY 5TH  
JULY, 2024



Photo credit: Capital News

#### Executive Summary

The brief opines that the effectiveness of public participation in Kenya's democratic processes remains doubtful in the wake of public uproar on the appropriateness of government policies. The recent youth-led political unrests validate that civic involvement is not merely a mundane formality but a vital element of an effective democracy. Significant threats to ensuring active public engagement include non-existent public consensus building systems; absence of hybrid system (offline and online) of citizen participation, and weak public awareness systems. The brief concludes that by guaranteeing that the expressions of all Kenyans

are heard and considered in policy-making, then we can move towards a more responsive, inclusive, and equitable governance system that integrate public feedback into policy verdicts. Key recommendations include establishment of Public Participation and Accountability Authority/ Board; formation of citizen digital participation platforms; establish a mechanism for government-citizen policy consensus building including citizens' policy clinics across all 47 counties; and intensify awareness creation through digital platforms to facilitate early access to information on government policies.



## Context

The recent youth protests against the Finance Bill 2024 postulate gaps in active civic engagement in policy legislation and formulation processes in the country. It is expected that with citizens vigorously participating in governance processes, policymakers at national and county levels are more likely to make responsive policies. In this regard, community engagement has become key in ensuring that governments deliver on their responsibilities. Previous experiences have shown there is inadequate commitment by the political leaders and the citizens and inappropriate accountability mechanisms. As such, public engagements may not yield the intended outcomes.

In efforts to affirm citizens' right to engage in public affairs, Kenya is a member of the international conventions and treaties including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR). At the national level, the engagement is provided for in the Constitution of Kenya (2010) through the Public Participation Act of 2018. The Act provides guidelines for involving citizens in decision-making processes. The legislation stresses that public participation be integrated into all levels of government and that public forums be conducted openly and transparently. Similarly, Article 174 of the Constitution advocates for active engagement of the citizens, communities, and other non-state

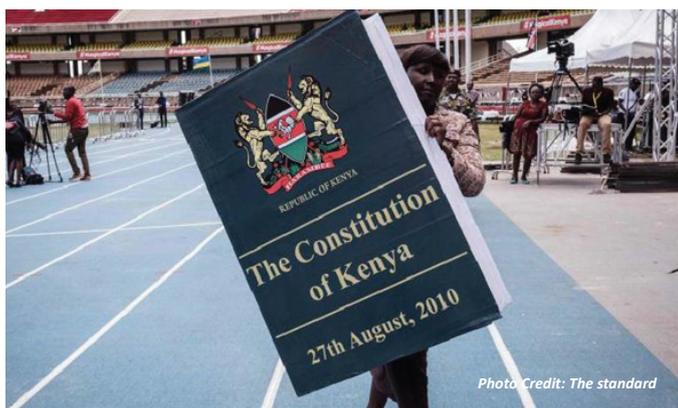


Photo Credit: The standard

10 identifies public participation as one of the national values and principles of governance. The legislature and executive at national and county governments must engage individuals, and governmental and non-governmental groups in policy-making, monitoring, and implementation. These requirements strengthen the general public's voice and capacity to demand greater accountability from public service providers at the national level. However, in the face of a strong legal framework in Kenya, realizing actual public participation faces challenges including non-existent public consensus-building systems, absence of hybrid system of citizen participation and limited awareness of government initiatives due to inadequate access to information, and insufficient mechanisms to integrate public feedback into policy verdicts. This impedes sincere fusion of citizen contribution into decision-making processes. Therefore, citizen engagement initiatives are perceived as flawed hampering the spirit of public ownership.



Photo Credit: Haki Fm

## Non-existent public consensus-building systems

First, there exists no mechanism for government-public consensus building, after consultative meetings on the design of various policies. While different stakeholders invest their resources in reviewing government policies and presenting their input, their views remain largely unconsidered due to the absence of an opportunity for unanimous agreement. This impedes the genuine





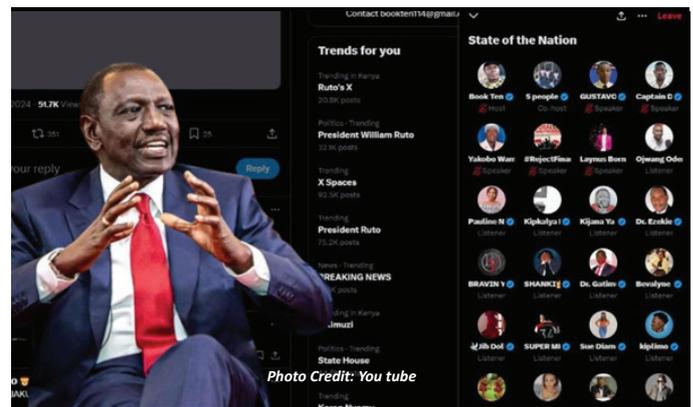
incorporation of public feedback into policy verdicts. This is attributed to how various committees operate, resource constraints, and the overriding powers of decision-making bestowed upon them. The loophole deflates the essence of meaningful public engagement as communal opinions don't count much in the final drafting of various government bills. For instance, while different actors made contributions to the Finance Bill, 2024 through various memoranda, there was little evidence of incorporation of the critical public proposals leading to backlash and citizens' protests.



## Hybrid system of citizen participation

Secondly, there is non-existence of hybrid citizen engagement mechanisms, embracing both offline and online engagement. Public engagements are mainly offline through public participation forums. This mechanism is skewed towards disadvantaging significant proportion of youthful population who are tech-savvy and able to embrace digital platforms to engage policy makers. The system fails to take cognizant of the proliferation of digital technology for enhanced citizen participation in enhancing accountability and oversight of state and public officers. Majorly, civic engagement processes are undertaken in town halls and boardrooms denying grassroots and tech-savvy populations the opportunity to contribute. The participation plans are not digitized and localized to tap the input of the

marginalized communities. For instance, the Budget and Appropriations Committee, Kenya did not adequately explore civic engagement forums that would have enhanced ownership of the budget by the citizens. Compounding the absence of citizens' ownership is the failure of the committee to hold community public meetings accompanied by the executive arm of the government and relevant government officers. Jurisdictions such as South Africa have embraced executive council committees, and sectoral and ministerial community policy clinics, to engage citizens on matters of their respective sectors. The grassroots engagement would enable government officials to create accessible platforms for dialogue, solicit feedback on proposed legislation, and demonstrate a willingness to adapt policies based on citizen response. This could avert public backlash as it happened with the Finance Bill 2024. Similarly, India, Peru has integrated citizen digital participation in her efforts for enhancing open and electronic government. This has facilitated prompt citizen consultation on public policy issues by government agencies, regional and municipal governments.



## Public awareness systems

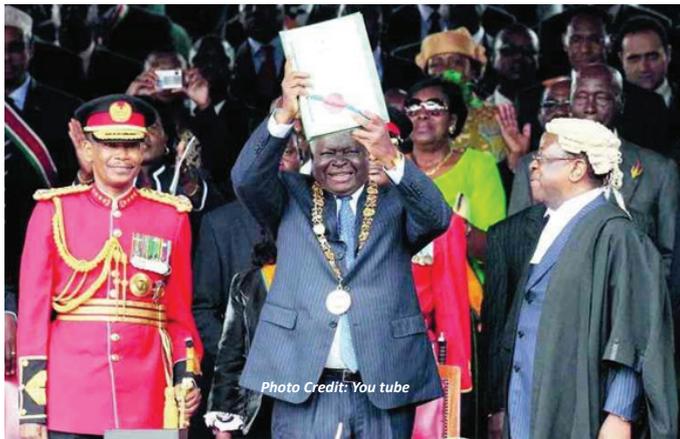
Thirdly, there exists limited awareness of the content of various policies being formulated by the Kenya Kwanza government among the citizens. This is attributed to a lack of transparent dissemination of information which leads to misinformation from the political class due to a lack of





proactive engagement of citizens. The use of Gazette notices as a dissemination mechanism for various government bills hampers reaching a significant audience who have no access to the publication. This is against the backdrop of a wider population embracing digital platforms to access information for personal consumption. The rigidity of

disseminating public information in less appealing mediums impedes the capacity of citizens to voice their concerns, contribute to decision-making processes, and hold their leaders accountable. Creating effective awareness will ensure policies reflect the will and the needs of the people, fostering a more equitable and inclusive society.



## Conclusion

Policy verdicts that don't represent the interests of the citizens due to inadequate civic engagement are likely to cause public unrest. Therefore, promoting government accountability to citizens would demand reactivating a bottom-up approach to public engagement. Establishing accountability mechanisms that ensure the active involvement of people affected by government programs in service delivery is crucial in averting citizen revolutions.

## Recommendations

The national government should:

1. establish a Public Participation and Accountability Authority (Board) to continuously conduct country-wide Citizen Public Services Satisfaction Surveys (Citizen Report Cards) would provide an unbiased feedback mechanism on the quality and adequacy of public services directly from the service users;
2. establish a mechanism for government-public consensus building including citizens' policy clinics across all 47 counties;
3. establish and operationalize citizen digital participation platforms;
4. intensify awareness creation through digital platforms to facilitate early access to information on government policies at the design stage;
5. intensify holding community-centred policy clinics to discuss with various communities on policies and service delivery issues.





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