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Devolution in Kenya: Strengthening Systems for Public Participation

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Introduction

The Kenyan legal framework obligates the national and county governments to involve the people in the decision making process. To achieve this ideal, county governments are required to establish structures to facilitate citizen participation in their operations. This policy brief sheds light on some of the issues that counties should focus on so as to institutionalize and strengthen systems for public participation in county decision making processes.

Context

Evidence for the issues identified in this brief emanate from the County Capacity Assessment (CCA), an initiative of the Agile and Harmonized Assistance for Devolved Institution (AHADI) Program. This is a governance program jointly funded by the United States Agency for International Development (USAID) and the Department for International Development (DFID). The assessments were conducted in 2016 (CCA1), 2017 (CCA2), 2018 (CCA3) and 2019 (CCA4). The public participation component had three indicators: *structures established to facilitate citizen participation in county operations*; *inclusive public participation plan operationalized*; and *mechanisms established to facilitate access to information*. The goal is to find out whether the existing policies, laws and administrative systems are supportive of public participation.

Implications for Public Policy

The average County performance in public participation rose from 60% in CCA1 to 91% in CCA4 (Figure 1). This improvement in performance corresponds to increased interest by development partners, the national government, county governments and several civil society organizations in mainstreaming public participation in county operations. Their interventions include development of the legal framework to support public participation in counties, and supporting civic education for effective public participation.

Overall, the counties capacity on *structures established to facilitate citizen participation in county operations* rose by 29% in the four assessments. The counties also performed well on the sub-indicator *inclusive public participation plan operationalized*, whose score rose from 60% in CCA1 to 91% in CCA4. Counties made significant strides in entrenching inclusion of women, youth, minorities, and marginalized groups in county public participation. The improved score shows that the counties have developed legislative frameworks and guidelines and established resourced units to sup-

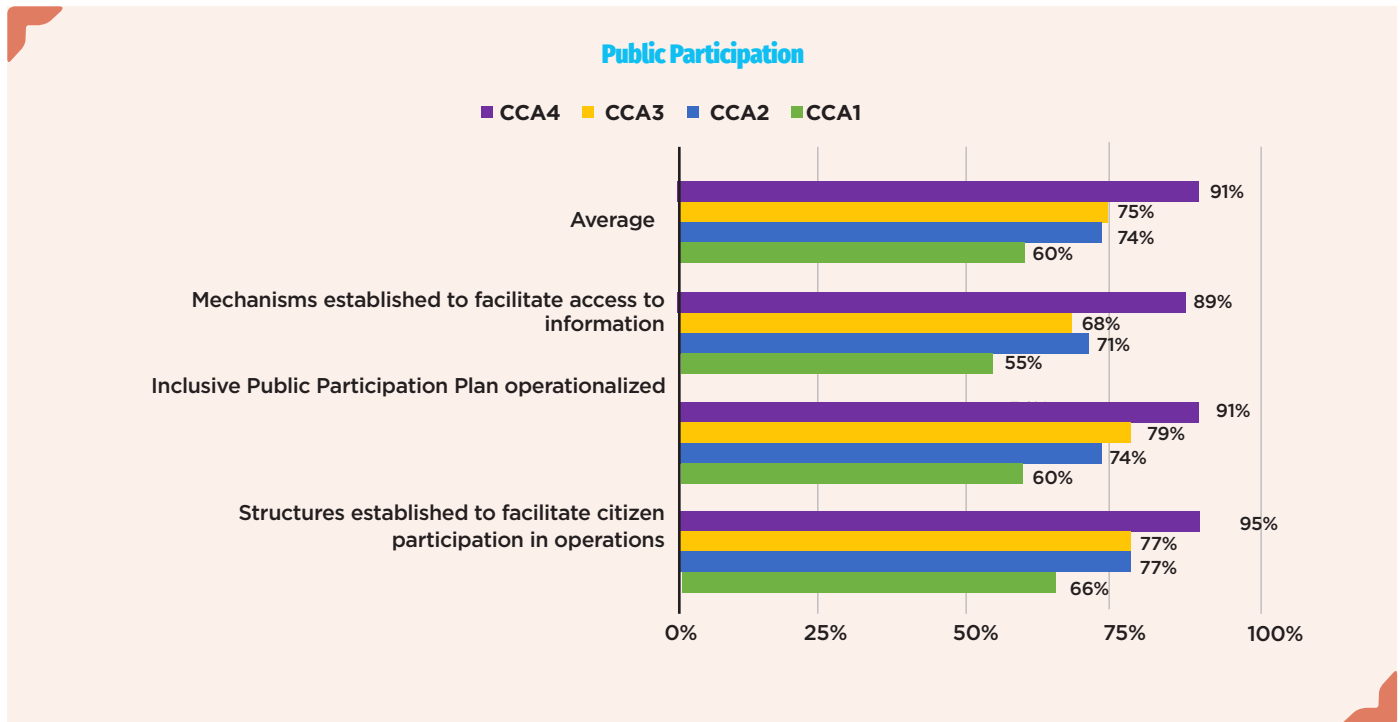
There is lack of ethnic diversity in public services in the counties, with the staff from the dominant community in the county being the majority of employees in some of the counties.



port and facilitate public participation. However, despite these improvements, most counties do not have structures to facilitate access to information by the public and rely on national level legislation and policy direction. In some counties, there is a public complaints and compliments committee, while in others it is unclear how the public requests for information are handled. Record keeping on public requests for information is also lacking in almost all the 22 counties studied. Counties

should also strengthen coordination of public participation across departments. Across the counties under review, there are instances where some departments by-pass units on public participation to conduct their own engagements with the public. This often happens because each department wishes to control its budget. This notwithstanding, improving public participation will require that counties develop guidelines to promote access to information by the public.

Figure 1: County Capacity on Public Participation



Public participation in a number of counties is also constrained by growing apathy on the part of the public; inadequate civic education to equip people with knowledge to effectively participate in making decisions; and growing

demands by citizens to be paid for engaging in county meetings. Further, local elected leaders also interfere with public participation especially by enlisting select group of supporters to attend the forums. Stakeholders mapping is weak in most counties.

Recommendations

To strengthen public participation counties should: fully operationalize structures for public participation up to the lowest level possible (i.e. village level); develop guidelines on complaints and compliments feedback mechanism; strengthen coordination of the public participation function across the county functions; and develop guidelines on access to information. Finally, counties should enhance civic education to strengthen people’s capacity to participate in county processes.

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