

How to achieve effective public participation



Involvement of the populace in policy-making is a key constitutional requirement so how can it be done in such a way both the citizen and the government feel accommodated?

The 2010 Constitution requires public participation in key decision-making processes. Unsurprisingly, progress towards this goal has been slow. Participation is costly and difficult to manage, especially in a country that is large and ethnically diverse. At the same time, open and transparent processes do not come naturally to Kenyan political institutions. From the one-party era onwards, the budget process has tended to be carefully guarded by the Executive, and public scrutiny has been avoided rather than encouraged.

County governments have other good reasons to be cautious about public participation. On the one hand, if they meet with a small number of people, they risk being taken to court for not casting the net of participation sufficiently widely. On the other, if they engage with a broad cross-section of the population they may be subject to diverse and pressing demands that they cannot meet. Many counties have also complained that members of the public do not actually turn up at designated participation sessions. So how can counties meet their constitutional requirements without disappointing their electorates?

Challenge 1: Timing

The Constitution mandates county governments to allow open government and to promote public participation in all areas. When implementing this requirement, county governments will need to carefully consider at what stage of the governance process public participation will be the most effective and beneficial. Given that governments make decisions throughout the year the ideal scenario would be to have ongoing public participation throughout the year.

However, such extensive participation may not be possible immediately, and so this ideal may be best thought of as a long-term goal over the next decade. In the short-term, it is becoming increasingly accepted both within Kenya and in global best practice that the budgetary planning process represents the ideal opportunity to engage with citizens because it represents an opportunity to engage with multiple groups in a focused way, and because this is when key decisions are made over the way in which resources are distributed.

2: Aggregating public opinion

that different groups select different priorities. The point of participation is not simply to allow voters to have their voices be heard, but to allow them to shape policy proposals. For this to happen, county governments must develop a mechanism through which the outcome of public participation is translated into the budget planning process. This will require counties to answer difficult questions, such as how much weight to give to public consultations, and how to accommodate divergent points of view.

While it is important that citizens' views are not ignored, it is also important the public understands that counties will not be able to respond to all of their demands.

3: Ensuring representation

Ideally, public participation processes should be genuinely representative of diverse interests. This is essential if counties are to fulfil their legal obligations, but it is also important because it will empower the county to better respond to the needs of citizens, and to earn their trust and support. In many cases, this will not be easy, and will require counties to think creatively about how citizens can be engaged.

For example, women must be supported to participate equally to men, but this rarely happens.

It will also be important for counties to think carefully about how they can make sure that individuals from a full range of economic, ethnic and religious backgrounds participate. This is not just a matter of fulfilling constitutional requirements or understanding citizens' needs: If public participation does not include large sections of society it is unlikely to be seen as legitimate.

Managing public participation

There is no one-size-fits-all model for civic engagement and public participation. A flexible approach is important to account for the significant variations that exist between the counties when it comes to issues such as population density, literacy levels, and media use. It will, therefore, be important that each county tailors its engagement and participation activities to fit local realities.

As a result, counties will need to invest in developing communication and participation strategies and in constructing the institutional frameworks through which they will



Kisumu Governor Jack Ranguma addresses protesters over insecurity

can make the most difference, it will be important for county governments to identify key moments within the planning process that require public participation. The budget process can be understood to have three main stages when it comes to public participation: Participatory budgeting (1), budget approval and communication (2), and budget review and audit (3).

Ideally, participation should occur at all three stages, because public oversight is an important way to tackle both policy formation and corruption. In the case of review and audit, this implies that it should occur continuously. However, one way to cover all three stages that would reduce the cost and complexity of public participation for counties would be to combine stages 1 and 3, enabling the public to review the implementation of previous spending plans before engaging in consultation on the new budget cycle.

Stage 1 and 3 – participatory budgeting and budget review

For participation to be meaningful, citizens must have the capacity to engage in the budget process before the executive has finalised its proposal. The public must also be able to assess whether or not previous agreements have been implemented. It, therefore, makes sense to begin the process of public participation for every new budget by empowering the public to review progress against the policies set out in the previous budget. This will enable citizens to play their role in the audit and performance tracking process, and ensure that they play an informed role in participatory budgeting.

Past experience suggests that public participation is more likely to generate actionable information if citizens are presented with clear choices and proposals rather than asked to generate their own proposals from scratch.

One way to maintain genuine participation while ensuring that the debate remains focused would be for the county executive to present a simplified

budget or believe that should take priority. The of initially framing civil around the proposed budget actual budget envelope encourage citizens to be in their demands, and to tions that are more co the economic and pol that the government w

Stage 2 – budget approval and communication

To ensure citizens are the budget process, and the final budget rather posed budget, it will also to allow for public part the assembly has debat and a final draft has em dialogue between the the Legislature. This s of participation could of disseminating the fir to inform citizens and e Such meetings and cor would offer the oppo demonstrate to citizen their concerns have be the final document, b) zens why some of the is raised could not be ac (as is likely).

At the same time, ci have the opportunity t parts of the final budget as problematic, so that fully discussed. One ke that while county gove not always make the ch fied by citizens, the pro not be rejected without provided with a clear e to why.

The benefits of participatory budgeting

Most obviously, effe pation and communic county governments ar to implement policies t preferences of citizens, likely to be given credit Less obviously, there a benefits that can be re popular support for the and for local revenue ge