



KARA TALK SERIES FORUM

**PUBLIC PARTICIPATION
IN KENYA**

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PUBLIC PARTICIPATION: THE LEGAL BASIS

Public participation and civic education are imperatives for any strong governance system. Indeed in this regard, the Constitution of Kenya, 2010 and the County Governments Act of 2012 provide as follows:-

- Article 10 of the Constitution identifies public participation as a national value and principle of governance.
- Article 174, which articulates the objects of devolution, provides for the participation of the public in the exercise of the powers of the state and in the making of decisions affecting them.
- Article 232(d) guarantees the involvement of the people in the process of policy making in the public service whereas
- Article 196(1) (b) requires county assemblies to facilitate public participation and involvement in the legislative and other business of the assembly and its committees.
- The Fourth Schedule to the Constitution assigns county governments the role of ensuring and coordinating the participation of communities in governance at the local level.
- Section 3(f) of the County Governments Act, 2012 provides for public participation in the conduct of the activities of the county assemblies while
- Section 87 of the same Act provides the principles of citizen participation in county governments affairs.
- Section 98 of the County Governments Act provides the principles of civic education

A HISTORICAL PERSPECTIVE

Contrary to popular belief, public engagement of government and its influence on policy has always been strong in Kenya and here are a few examples:

- The growth of the women's table banking activity popularly referred to as “chama” was a response to policy failure in the financial sector and precipitated the rethinking of financial access for the majority and led to the establishment of such institutions as Equity Bank and Family Bank.
- Another example was the protest by women against the proliferation of illicit brew in parts of the country which led to policy intervention aimed at better regulation of production, distributions and consumption of alcoholic beverages





With respect to the engagement of citizens by government, before 2010, Public Participation was administrative and largely operationalized through what was then known as the provincial administration (“Baraza”)

- The approach was Top- down.
- The meetings were largely **inform** citizens on what Government had planned to implement
- This approach was also extensively used by civil society organizations discuss and obtain by-in for services by communities.

=> The focus was on provision of information and rather than the involvement of the communities in decision making.

CHALLENGES

Despite the foregoing, the practice and application of civic education and public participation is faced with challenges:

- There is lack of a common understanding of what really constitutes public participation, and methods, processes and content to ensure effective public engagement.
- In civic education, the sheer breadth and depth of content with regard to rights, responsibilities as well as intellectual and participatory skills required to be imparted has not quite been appreciated.
- The resulting approach to civic education has been one often linked and limited to voter education around election period.
- Worse is that the interpretation of civil rights and responsibilities have been left open and susceptible to use for radicalisation of the youth.
- There is an uncoordinated approach to the provision of civic education with state and non-state actors operating without a common civic education curriculum.



MILESTONES



To address these challenges, the Ministry of Devolution and Planning embarked on a process to develop national norms and standards to ensure uniformity in delivery of civic education and engagement in public participation through:

- Development of policy working papers on social accountability.
- capacity needs assessment to establish levels of understanding of civic education and public participation.
- These studies, informed the need to develop a standardized civic education curriculum and trainers' manual and handbook.
- The Public Participation Guidelines support the implementation of the legislation already enacted at national and county levels.

PROSPECTS

- Civic education and public participation are two sides of the same coin. They are closely related but they are not the same thing.
- If citizens are to exercise their rights and discharge their responsibilities as members of self-governing communities, they not only need to acquire a body of knowledge, they also need to acquire relevant intellectual and participatory skills.
- Therefore, civic education in a democratic society most assuredly needs to be concerned with promoting understanding of the ideals of democracy and a reasoned commitment to the values and principles of democracy.
- Democracy is not utopian, and citizens need to understand that lest they become cynical, apathetic, or simply withdraw from political life when their unrealistic expectations are not met.
- To be effective civic education must be realistic; it must address the central truths about political life.



PROSPECTS...

- This is true for our country Kenya, as we seek to nurture our devolved system of governance. The need for concerted effort to provide civic education cannot be overemphasized. Without civic education we face the danger of citizens becoming cynical, apathetic and withdrawn from participation in matters of governance and thereby endangering our democracy and the devolved system of government.
- In adopting the Constitution in 2010, Kenyans wanted a society and government in which: -
 - human rights are respected,
 - the individual's dignity and worth are acknowledged,
 - the rule of law is observed,
 - people willingly fulfill their responsibilities, and
 - The common good is the concern of all.

➔ Making that kind of society and that kind of government a reality is the most important challenge Kenyans face and the most important work we could undertake.

And this is why public participation will remain important.



Thank you.

