

Promoting Public Participation as A Constitutional Imperative in Kirinyaga County Assembly.



A citizen engagement forum in Mukure Ward

By Cathrine Njiru

The Constitution of Kenya 2010 emphasizes the importance of achieving a participatory democracy where the citizens are actively involved and engaged. The legal framework for public participation is embedded in various articles of the Constitution of Kenya.

Article 1 of the Constitution of Kenya commences with a profound statement asserting that all sovereign power belongs to the people. As a tangible expression of this sovereignty public participation emerges as a consequential practice, affording citizens the opportunity either directly or through their elected representatives to actively participate in decision making.

Article 10 of the Constitution delineates the national values and principles of governance in Kenya. Among these principles is public participation. This principle reminds us of the inherent necessity for inclusivity, transparency, and accountability in decision-making processes.

Article 35 acknowledges the right of access to information held by the government and other entities involved in public affairs. It grants citizens the right of



A public Participation forum targeting women in Mukure Ward

access to information, which is crucial for effective public participation.

Article 174 acknowledges the fundamental right of the people to engage in the execution of government authority particularly in the counties. It promotes devolution and local governance structures, and advocates for active involvement from the public in decisions that impact the local communities.

Article 196 specifically addresses public participation in County Assemblies, requiring them to facilitate public participation in their legislative processes.

These constitutional provisions collectively underscore the commitment to public participation as a fundamental principle of governance in Kenya. The Constitution acknowledge that citizen involvement plays a crucial role in development; promoting a more inclusive and accountable democratic system through the implementation of polices and laws along with proper oversight.

Standing Order 122 of the County Assembly of Kirinyaga Standing Orders mandates committees to facilitate public participation before a bill is read a second time and take account of the views and recommendations of the public when the committee makes its report to the County Assembly.



Speaker of the County Assembly of Kirinyaga - Hon. Muteti Murimi and Leader of Majority Party Hon. Daniel Mbugu with representatives of the Kirinyaga Journalists Association

There are various other legislations that support and operationalize the constitutional provisions related to public participation. These constitutional and legal frameworks provide a robust foundation for public participation in County Assemblies. It is essential that legal measures advocating for public participation are fully implemented in order to create favourable environment for citizen involvement.

The principles of public participation are considered fundamental to democratic governance, and legal frameworks aim to provide a structured and protected avenue for citizens to engage in decision-making processes.

Devolution which aims at bringing services closer to the people while asserting their political and financial authority offers Kenyans a chance for improved democratic governance and service delivery. It represents a major transformation of the state and undoubtedly, to the society considering also youth, women and people living with disability. It is the responsibility of County Governments to ensure that citizens are able to participate in decision making, budget making, and formulation of policies.

Public participation is no longer an option but an integral aspect of democratic governance. The County Assembly of Kirinyaga has equipped itself sufficiently to respond to an increased public interest for greater inclusion, access to information and better service delivery.

Public participation in the County Assembly seeks to promote dialogue

and action among stakeholders to follow through on the strong mandate provided by the Constitution. Public participation has continuously strengthened the functions of the County Assembly of Kirinyaga and has improved its capacity as a County Legislature to fulfil its role of building a capable, accountable and responsive County Government that works effectively for its citizens through various legislative interventions.

Public participation has been conducted with a goal of achieving representative and more acceptable decisions and has been employed to serve clear purposes such as the allocation of resources, oversight of projects and the improvement of service delivery.

The concept of public participation has taken many forms in the County including:

● **Public hearings**

The County Assembly has organized regular public consultations, meetings and forums where citizens express their views on various legislative proposals, ask questions and engage with the Members of the County Assembly.

● **Public Petitions**

The County Assembly has provided citizens with a formal channel to voice their concerns and engage with the County Assembly through several petitions. This has allowed individuals or groups to formally express their views, concerns, or requests to the County Assembly. This mechanism has provided a structured way for citizens to influence decision-making

processes, draw attention to specific issues in the County, or advocate for changes in policies.

● **Media Engagement**

The County Assembly has continued to collaborate with the media to promote information dissemination of issues of public interest. The media has helped foster an informed and engaged citizenry. It has complemented other forms of public participation and contributed to the overall dialogue on matters of public interest.

● **Digital Platforms**

The County Assembly has leveraged on technology to facilitate communication, collaboration, and information-sharing with the citizenry. The County Assembly website, social media platforms have broadened the scope of public participation providing spaces for individuals to express their opinions, share information, and engage in discussions.

The success of public participation has been guided by certain criterion:

- i. Accessibility of venues by the public since hearings are conducted at ward levels.
- ii. Effective mobilization using multiple communication and information channels to get the word out.
- iii. Giving adequate lead time for citizens to prepare for meetings
- iv. Mutual consultations and dialogue between the County Assembly and stakeholders
- v. Provision of meaningful information

in formats and languages that are readily understandable and tailored to the needs of the target groups and stakeholders.

- vi. Clear mechanisms for responding to people's concerns, suggestions and grievances.
- vii. Involvement of facilitators and chairpersons who are not directly involved in the programs under public review.
- viii. Various strategies to improve public participation have also been employed to reinforce and ensure the participation of the marginalized including women and persons living with disability. The County Assembly recognizes the importance of amplifying the voices of the youth and women in the County; initiatives tailored to these demographics have ensured a more inclusive and representative process.

To further entrench the principle of public participation, the County Assembly is at advanced stages of enacting the Kirinyaga County Public Participation Bill, 2023. The bill which has been introduced in the House and read a first time seeks to provide a legal framework for involvement of people who may be affected by or are interested in County programs.

The value added by public participation in the legislative procedures has been immense particularly in budget estimates and Finance Bill passed in the Third County Assembly. Public participation has increasingly identified the priority areas for public expenditure over the last two financial years with notable amendments on budget estimates that are approved by the County Assembly.

Public participation has had a transformative democracy on the County as evidenced by the consultative approach adopted by the County Assembly during the processing of the Kirinyaga County Finance Bill, 2023. The structuring of the public participation during the processing of this Bill saw all relevant stakeholders extensively involved and consulted. The extensive public participation resulted in the successful enactment of the Kirinyaga County Finance Bill 2023 with the input of all the stakeholders having been analysed and taken into account.

While major ground has been covered with regard to public participation in the legislative process it has not been without challenges. There have been cases where the public is not willing to take part in public participation and opt to engage in other activities. There has also been the challenge of difference in opinion among various stakeholders posing a challenge in incorporating the diverse opinions presented by the public.

To address these challenges the County Assembly has embarked on various citizen engagement initiatives:

• Creating Strategic Alliances

The County Assembly has made deliberate effort to reach out to various groups in the County. The aim has been to have various sectors and segments of the County population understand and appreciate the constitutional role of the Assembly as well as areas of possible collaboration and partnership. In these engagements, opportunities and avenues for the different sectors to work with the Assembly were made clear. The sectors the Assembly worked (and continues to work with) the business community, civil society, cooperatives, women and youth organizations, farmers' associations, religious communities and professional groups.

• Digital and web based platforms

The County Assembly website has been one of the Assembly's outstanding platform for engaging the people. The Assembly posts its Motions, Papers and Bills on this website. The County Assembly of Kirinyaga has also leveraged on technology to create online platforms for public participation. Websites, social media, and mobile apps have been used to gather public opinions, conduct surveys, and provide information on government policies and decisions

• Involvement of the Media

The County Assembly has continued to forge partnerships with media organizations in print, television and online platforms. These partnerships have been used to collaborate with the media on awareness campaigns, and news coverage related to public participation events highlighting the progress of the County Assembly.

• Capacity Building for Members of the County Assembly

The County Assembly of Kirinyaga appreciates that public participation is a shared responsibility between County Assembly members and their constituents. The County Assembly Service Board has conducted comprehensive capacity-building programs for Members of the County Assembly focusing on communication, community engagement, and participatory methodologies. These have been conducted with the aim of empowering them to effectively represent and interact with the public.

Public participation is a constitutional right for the people and an obligation on the part of the government. As a matter of fact, the experience at the County Assembly of Kirinyaga is that public participation is also beneficial to the government. Apart from the fact that public participation helps create a good relationship between the people and the government and therefore leads to a more transparent government. there is a lot that the government can learn from the people. The experts out of government have proved to be helpful in shaping public policy whenever they are engaged through public participation processes.

Promoting public participation in Kenyan County Assemblies is not just a legal obligation but a commitment to building resilient and responsive local governance. By fostering a culture of inclusivity, leveraging technology, and actively involving citizens in decision-making processes. County Assemblies can become vibrant spaces where democracy thrives and the voices of the people resonate in every legislative decision.

The gains of structured, objective and intentional public participation far outweighs casual and haphazard citizen engagements undertaken by some public entities to fulfil the statutory requirement. Therefore, public entities including County Assemblies should put in place the right public participation and civic engagement structures and processes and leverage on them to enrich governance and public policy making.



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