

# CITIZEN ENGAGEMENT AND ACCOUNTABILITY IN KENYA



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## Citizen's Engagement and Accountability under Devolution in Kenya

Central to the decentralization agenda in Kenya are institutional reforms that provide the means for citizens to hold government accountable under the newly devolved structure.<sup>1</sup> These reforms are anchored in the constitutional requirement for public participation in governance processes and in the citizen's right to access information. Both issues are further outlined in the different government acts accompanying devolution. Article 10 (2) (a,b,c) of the 2010 Constitution emphasizes the national principles of governance, including inclusiveness, integrity, transparency and accountability, and highlights the importance of democracy and participation of the people. Similarly schedule 4, part 2 of the Constitution asks counties "...to assist Communities to develop the administrative capacity to enhance their exercise of power and participation in governance at the local level." Different government acts, such as the Public Finance Management Act or the County Government Act all emphasize the importance of public participation and access to information.

Citizen engagement and the ability to hold local government accountable is at the core of normative arguments about the benefits of devolution, particularly regarding service delivery. Devolution involves a set of institutional changes that bring about shifts in the accountability relationship between citizens and the state. Decentralization, the political and economic literature argues, leads to closer proximity of the citizen to the elected official, more and better information and increased political competition, all of which results in greater accountability and allocative efficiency of resources to meet citizen needs (World Bank, 2009). Citizen accountability, also known as downward or social accountability, is the accountability of elected officials to citizens, usually implemented through elections as well as the delegation of some level of administrative authority to local civil servants who can be removed from office for inadequate performance. Elections are infrequent events; hence, other mechanisms of accountability have been designed to hold elected officials (and staff) accountable, which fall into the broad rubric of citizen engagement. These mechanisms include citizen feedback for services (report cards and audits), participatory budgeting and planning, citizen's access to information among them.

Like other reforms that accompany devolution, the reforms related to citizen's engagement have been ambitious. Significant investments have been made since 2013 to put structures in place for public participation although challenges remain. For example, the County Capacity Assessments undertaken by AHADI<sup>2</sup> found that between the two assessments in 2016 and 2017, counties have made significant inroads (from 60% to 78% of a 100% target on structures) in setting up the necessary formal institutions for public participation. Yet the growing consensus among many stakeholders is that these institutions are not always fully functional. Proposed here are three case-studies that look at how citizen's participation is working on the ground at the county level, focusing on the challenges that affect meaningful citizen engagement. Two of the studies focus on how citizens engage in the infrastructure and health sectors, and the third examines how information is shared and how a particular context, in turn, affects whether citizen engage or not.

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<sup>1</sup> Devolution is a type of administrative decentralization where governments devolve functions and transfer authority for decision-making, finance, and management to quasi-autonomous units of local government with corporate status. Devolution usually transfers responsibilities for services to municipalities that elect their own mayors and councils, raise their own revenues, and have independent authority to make investment decisions. In a devolved system, local governments have clear and legally recognized geographical boundaries over which they exercise authority and within which they perform public functions. It is this type of administrative decentralization that underlies most political decentralization. See: <http://www1.worldbank.org/publicsector/decentralization/admin.htm>

<sup>2</sup> Since 2016, AHADI has undertaken a County Capacity Assessment (CCA) in 22 counties which captures how far counties have gone in adopting the necessary institutions for devolution. The assessment is also proposed for 2018 and for future years??

These case studies, of themselves, cannot lead to definitive conclusions regarding the effects of citizen engagement activities on outcomes. They can, however, shed light on the processes and influences at work that can be examined in more detail and with greater precision through the accumulation of broader data sets and the application of formal analytical methodologies.

### **Case-Study 1: Citizen engagement around development planning**

Counties in post-devolution Kenya have made significant investments in infrastructure, particularly roads [Some Figures]. This growth in infrastructure has occurred while parallel structures have been put in place for greater public participation in development and planning processes both at the county level and at the ward level in the forms of community development committees. Normatively, theory suggests that devolving responsibility to the local level should produce infrastructure projects that are better aligned with the preference of local users and should also be of higher quality. This case-study will compare how two or three counties have organized public participation around infrastructure projects. The objective is to examine if differences in the organization of citizen engagement activities influence: (1) who participates (women, minorities, socio-economic groupings etc.) in these forums; (2) how sustained such participation is; and (3) the impact of differences in participation on measures of outcomes, such as the unit cost of roads and type and quality of roads, based on available data. In summary, the study will focus on how different types of citizen engagement processes affect these outcomes. The study will also consider the role of historical precedents or processes in setting up particular institutional structures for citizen engagement and the space that may exist for designing or reforming citizen engagement institutions given political constraints.

### **Case-Study 2: Citizen's engagement in the health sector: its implication for agenda-setting**

Kenya's goal is to achieve universal health coverage (UHC) by 2030, and the country is leading the way in the African continent on this front with several important initiatives. These include eliminating payments for primary and maternal health services in public facilities. An important part of Kenya's ability to achieve these goals is the effective devolution of health services to the county level, as operationalized under the 2010 constitution. Key requirements for this devolution to be successful will be putting in place governance structures at the county level that allow for both effective decision-making and the participation of citizens in the decision-making process on health issues. Effective involvement of citizens is important to ensure that decision-making is responsive to citizen needs and that resources are distributed equitably, key factors in determining access to facilities and services, particularly for the poor. Through a cross-county comparison (2-3), this case-study will attempt to ascertain if counties are considering the voices of marginalized communities, how are they doing so, and what factors explain a more active inclusion of citizens of such communities. The study will examine how this inclusion affects agenda-setting at the county level and decisions made via-a-vis health care delivery and will also focus on gaps in systems and processes which could improve services.

### **Case-Study 3: Context and citizen engagement: how contexts matters for how citizens engage**

Most citizen engagement is supply-driven in Kenya, with the Kenyan government, in line with the Kenyan constitution, organizing formal forums where Kenyans are informed and can participate in the planning, budgeting and monitoring of government's delivery of services. However, for citizen engagement to deliver on its normative benefits, what is required is for citizens to organize themselves, independent of structures established by government. Optimally, citizens where they see an issue or a need, should organize themselves (depending on individualized incentives) to discuss and advocate for that issue. This approach allows for citizens' preferences--other than those being "supplied" by the Kenyan state -- to be revealed and considered. The literature is replete with why groups do not organize (see Olson 1965 and related literature on collective action) and these barriers are greater in developing countries where market failures are more common. This case-study undertaken with [African](#)

[Voices](#) is structured as an experiment that examines how the context within which different issues are presented can determine how citizens choose to engage. This study will apply African Voice’s unique methodology that uses digital forums for dynamic and inclusive discussions through open-ended questions. The data—conversations generated and conducted in local languages-- are supplemented with socio-economic information are then analyzed to better understand citizen preferences and to design policy. This experiment will examine how different presentation of information can be the basis of more spontaneous citizen engagement.

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