



# Policy Influence Dynamics in a Devolved Kenya



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# Executive Summary

The Kenyan Constitution, provides sovereign power to its citizens, either directly or through elected representatives. The Constitution brought in several changes including devolution which is decentralisation and redistribution of power and resources. This study has two asks, 1) Has devolution affected policy making, and if so, how? 2) Additionally who are the key players in policy dynamics in Kenya and what is the media's role in influencing policy? Are there stakeholders whose influence supersedes the other?

Our findings confirm that devolution has devolved policy making with some actors playing a more active role than others in influencing public policy in Kenya. We also found that the devolution process takes more time than previously expected, where for example health as a function has not achieved full devolution.

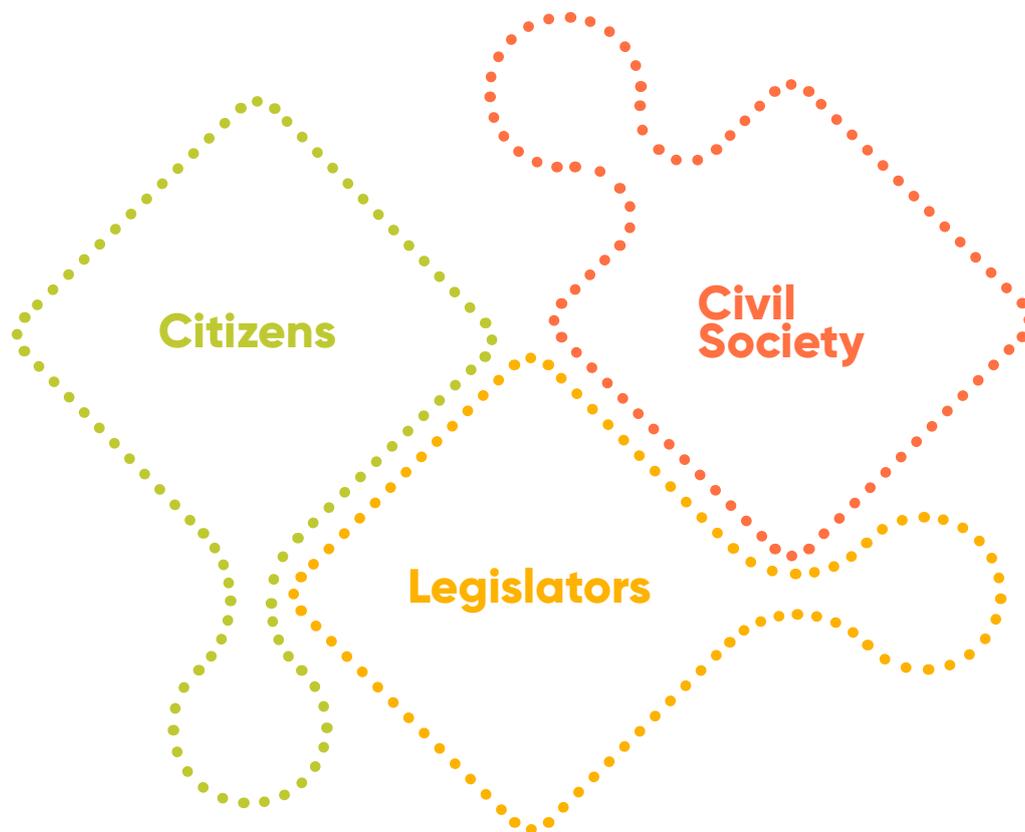
While we do identify the groups and level of influence, whether they do it successfully is another challenge altogether. Due to the complexity of relationships, circumstances around public participation and nuances that differ, thus affecting degree of influence amongst them. Actors employ different methods to reach out to stakeholders, via official meetings and/or semi-structured mechanisms such as calling in favours.

Kenyan, a conservative people also hold dear the opinions and counsel of religious leaders, chiefs and village elders who form key members of the community.

The media, a key player in policy influence dynamics, plays a role in dissemination of crucial information used to educate and inform. Throughout all our interviews, radio emerged as the most dominant and trusted medium of communication in both rural and urban areas for reasons ranging from accessibility and affordability.

It is evident that there are a number of active policy influencers, but even in the event of devolution, we still see that citizens as a major stakeholder group that not only civil society but also legislators take into consideration. In the course of conducting the study in Nairobi, Nakuru, Kisumu and Mombasa, we discovered that despite the differences in profiles of rural and urban populations, both are a leading influencer when it comes to policy in Kenya as explained later on in the report.

The Media, Civil Society Organisations, Politicians, Donors and International Organisations play a supporting role in enabling citizens to perform this role effectively through various resources both tangible and intangible. It is also important to point out that there exists a trilogy in Kenyan policy influence.



Citizens, Legislators and the Civil Society form an interdependent relationship brought together in public participation in policy influence in Kenya, with citizens at the top. The Civil Society brings key knowledge and financial resources to the trilogy whereas Citizens and Citizen groups, who also consist of key subject experts, are responsible for electing Legislators who are in turn accountable to Citizens to implement their will.

Since 2016 when this work was conducted and after the [2017 national elections](#), we have seen several changes in the landscape where the government has been operating in contravention of a multi-stakeholder consultative method. Citing [the case](#) of the recently assented computer and cybercrimes act, without proposed recommendations even after rounds of public participation. Additionally, after [several talks and negotiations](#) with Kenyan doctors, the government went ahead to hire [Cuban Doctors](#). Another instance [here](#) where the Kenya Film Classification Board seeks to punitively license online video content. The country has also been seeing a lot of instances of graft making the headlines in the press, the question is "How do unfair laws and graft impact policy influence dynamics, if at all?"

# Background

The Gates Foundation approached the iHub in July 2016 to conduct a research study that would inform the funding of a health desk with [Royal Media Services](#) (RMS), the largest electronic media house in Kenya. The objective of this health desk hosted by the RMS Newsroom, would be producing Health features, stories, and documentaries on health and agricultural issues such as infectious diseases, maternal and newborn health care, reproductive health, as well as new, effective approaches to farming. This content would then be translated and transmitted via Royal Media Services stations.

The health hub would generate these TV and radio reports and features in English, Swahili and Kikuyu primarily but may also choose to include some of the other languages for which Royal Media Services has stations such as Luo for Ramogi FM, Luhya for Mulembe FM and Kalenjin for Chamegei FM.

This content will also be made adaptable for the digital and social platforms on which most outlets have significant followings. With an internet penetration rate of 87% it is evident Kenyans are online, avidly using platforms such as Facebook, Whatsapp, Twitter, Instagram and Telegram to connect with the world and have discourse on diverse topics.

It is a well known fact that, an informed citizen, is an empowered citizen. By accessing information from online and offline sources, citizens can then effectively participate in the legislative process and hold elected and nominated government officials accountable in accordance to their mandate.

How then does this dynamic of influence play out in Kenya?

The research objectives were to

1. Find out to whom policy makers attach more value to, in respect to the mood and voices when influencing policy, between rural or urban populations.
2. Identify policy influencers in Kenya.
3. Identify the challenges of influencing policy in Kenya.

1. <http://ca.go.ke/images/downloads/STATISTICS/SECTOR%20STATISTICS%20REPORT%20Q3%20FY%202016-2017.pdf>

# Methodology

The study involved the use of both primary and secondary data to arrive at the findings and eventually the recommendations outlined.

Primary data was collected in Nairobi, Nakuru, Kisumu and Mombasa, using focus group discussions and key informant interviews using a pretested questionnaire to obtain information from participants. The study adopted a qualitative research design, with the researchers doing the data collection in the four proposed locations.

Secondary data was also used by getting data from government ministries and parliament sources dating 5 years.

## Methods of data collection

Data was collected using three methods, namely:-

### Primary Data:

#### Key informant interviews

Two (2) interviews were conducted with representatives of key organisations from the civil society to gain perspectives from a stakeholders with specialised knowledge in policy making. This was also carried out to cross check with the responses from the FGD's.

#### Focus Group discussions

Thirty five (35) representatives of CSOs, FBOs, local administration and citizens were brought together to give their perspectives on the subject matter.

The survey instrument was iterated after each FGD and in the end, the survey instrument had more questions on how participants use media to consume information. All participants signed consent forms reassuring them of confidentiality and protection of personal identifiable information. The target population included: civil society representatives, individuals from key community groups and select government representatives.

The sampling method was controlled quota sampling, under the following parameter; is civically engaged, aged between 18-55 years and has ever participated in a policy formulation, and snowball methodology was used for selecting government representatives.

## Study Questions (See Appendix)

The survey instrument after undergoing several iterations included questions that enabled the researchers explore:

- How the participants accessed general information specific to policy,
- How they engaged with political leaders,
- How they engaged with the media in their work and
- Their opinions on challenges to participating in the policy influence process.

## Media Statistics

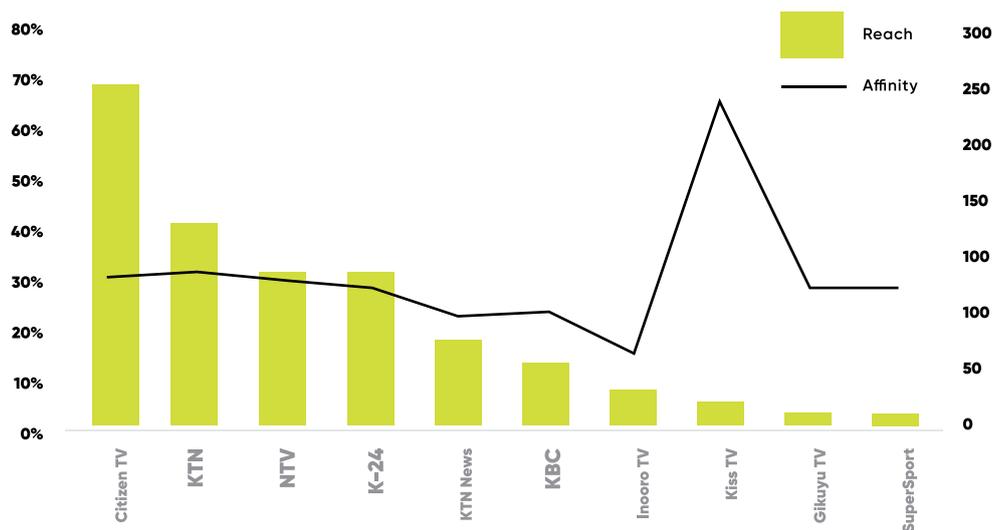
For the purpose of this report we will be analysing 3 key media sources Radio, TV and Newspapers. Below is a landscape analysis showing key statistics in reference to popularity and demographic.

## Findings on media

Media is used for diverse reasons, including entertainment, education, religious channels, dissemination and public participation through Bunge TV and Senate TV that were launched especially for this.

Below are tables outlining popularity of TV stations amongst demographics between the ages of 15-24 and 25-49. It is clear that the younger demographic of 15-24 are attracted to Kiss TV due to the youth centric content as compared to the older demographic of 25-49 that tend to watch KTN news and sports for entertainment purposes. However, younger people form a bigger audience for TV than the older demographic of 25-49.

### TV Reach - Age 15 - 24



2. Kenya Audience Research Foundation - <http://karf.or.ke>

## TV Reach - Age 25 - 49



Civil society representatives stated that their professional networks (beneficiaries, donors, fellow CSOs, academic partners, governments) provided more information than what they got from the media, therefore the media tend to rely on them for information by inviting them over to record shows or even share information.

Quote from FGD CSO participant: "For the media it's actually them who are interested in our work, so the information flow is from us to them, not the other way around"

It was evident from the focus group discussions that the civil society almost exclusively rely on information shared on multiple platforms (whatsapp, google groups, emails) by their professional networks and during physical CSO network meetings as opposed to sources outside these professional networking groups.

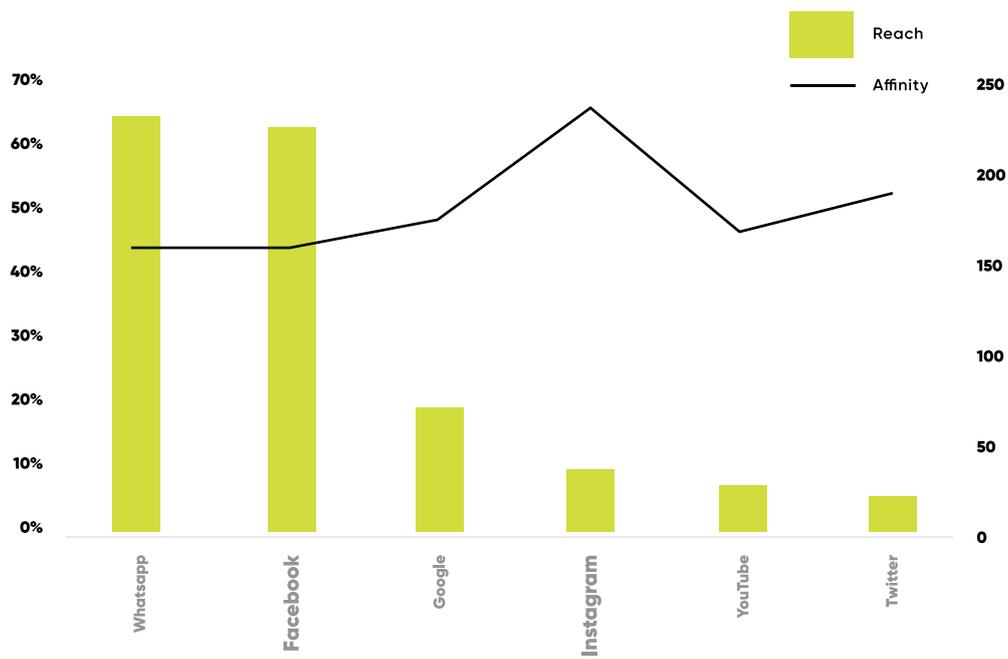
The CSO representatives mentioned that they absolutely trust articles that have gone through review, before being published. Cited examples were journal articles, blogs from their work circles and networking groups and articles from donor organisations.

Citizens cited that they trusted offline sources more than online, with print media being most trusted because most reports have undergone a deeper analysis before the story is published.

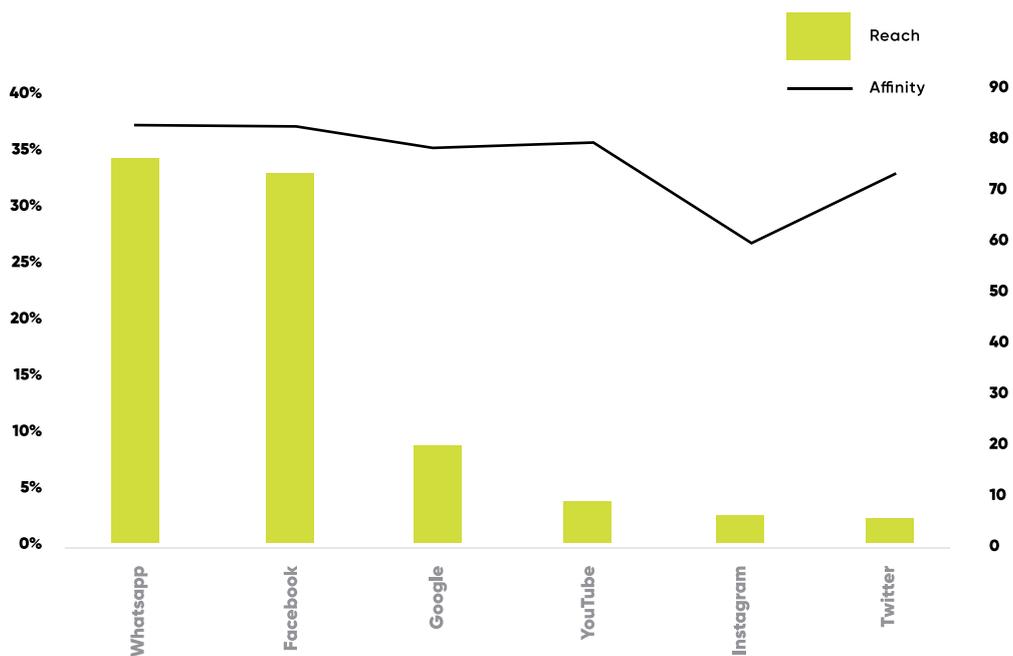
Prevalence of *fake* news especially on **social media** platforms such as Facebook, Whatsapp and Twitter also came up, with participants from all locations stating that they have since learned how to spot fake news articles. One participant stated that "*it is important to go beyond the catchy headline*", that one has to go to the next level to verify the information before accepting the content.

Below are tables outlining popularity of **Social Media** platforms amongst demographics between the ages of 15-24 and 25-49. It is evident that younger populations are more present on social media with both groups being heavily present on Facebook and Whatsapp.

### Website/App Usage - Age 15 - 24



### Website/App Usage - Age 25 - 49



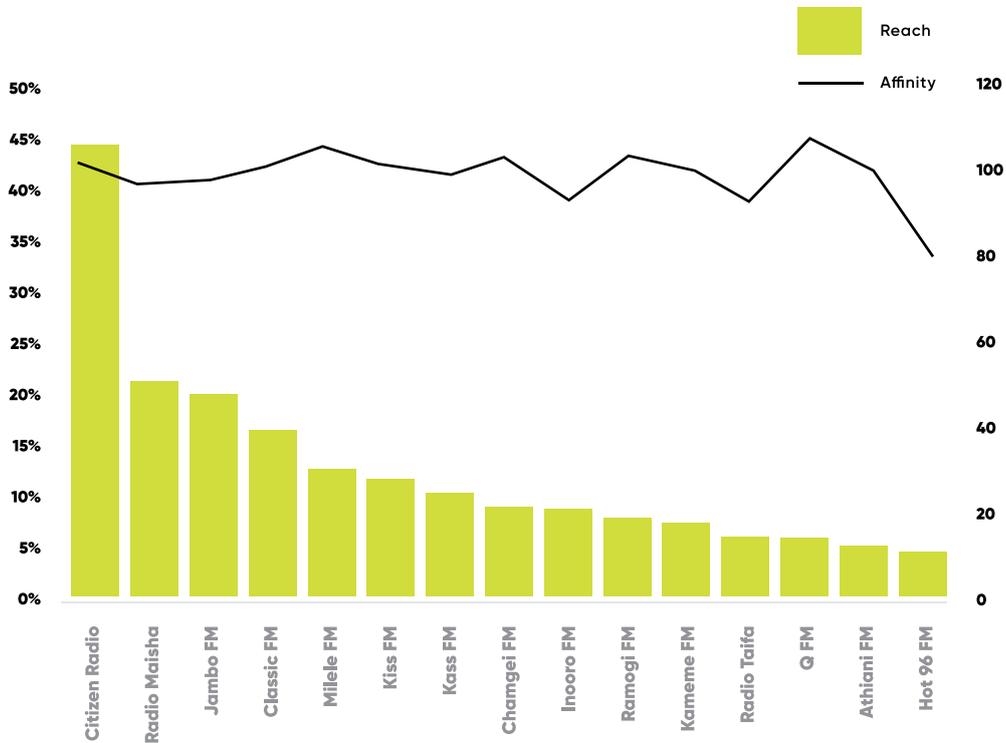
**Broadcast media** more so *radio*, is used to disseminate information, (e.g., announce disease outbreak, immunizations) more than it is used as a source of information for CSOs. Although media has been stated as an avenue for running dissemination activities, CSO representatives mentioned that it is sometimes difficult to get airing on these shows especially when funding sources are limited to run several other educative programs.

Below are tables outlining popularity of **Radio** stations amongst demographics between the ages of 15-24 and 25-49. The key conclusion that younger populations have favourite stations i.e. Kiss 100, HOT 96 and Classic 105 as compared to older populations who are not so discriminatory in their listening habits with an overwhelming preference for Citizen Radio by 25-49 year olds.

**Radio Reach - Age 15 - 24**



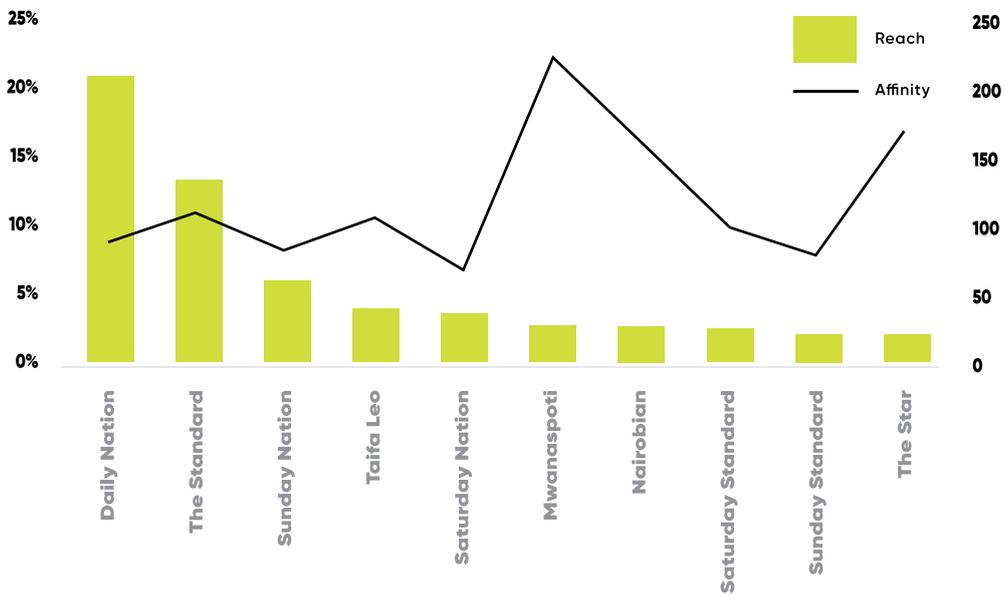
**Radio Reach - Age 25 - 49**



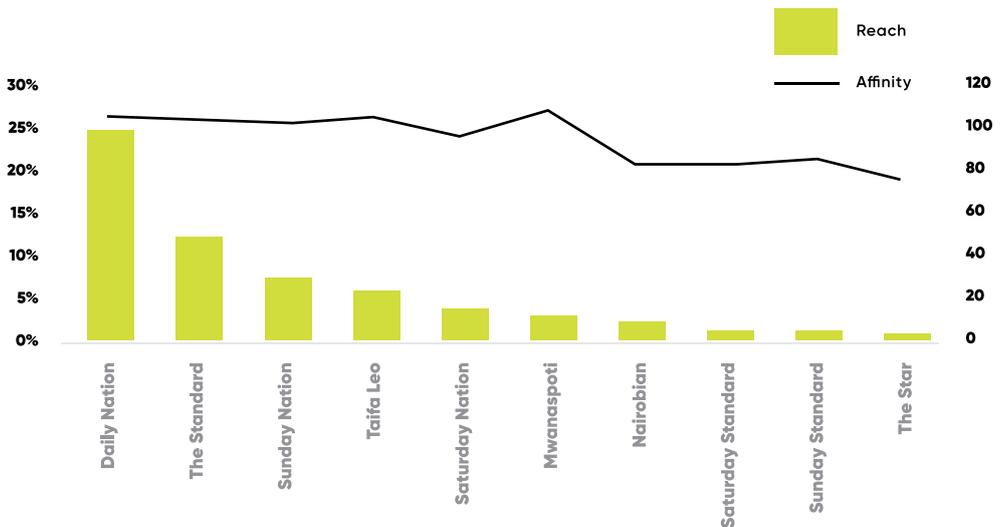
**Print media** is the most trusted source for people in the urban areas quote “prefer newspapers more than radio” such as Nation and The Standard. Trust directly correlates to referencing other sources meaning the content was researched first before being published, in addition to authentication and the experience levels of the source. However citizens in the rural areas, prefer radio, because print media is relatively more costly.

Below are tables outlining popularity of **Newspapers** amongst demographics between the ages of 15-24 and 25-49. From the graphs we can tell the older demographic is drawn towards more news and business oriented dailies such as The Standard and Daily Nation whereas the younger demographic of 15-24 seek ‘Mwanaspoti’ a sports paper and The Star which is a balance of business news and entertainment.

### Newspaper Readership - Age 15 - 24



### Newspaper Readership - Age 25 - 49



When speaking to a CSO representative they quoted, “we get information from the print media...by getting all the dailies that is where we get what the players are saying especially on issues affecting our programs e.g. donors pulling out; that’s where we rely on print media but electronic media not much”.

Objectivity in media is said to be depending on the media house in question, with one finding being that state run media are not objective because they push state/government agenda as was the case, in [this](#) accusation made by a former Kenyan media house employee.

Statements from both citizens and CSOs clearly illustrate that the media doesn't prioritise the process of passing policy and steps taken, they more often than not report on 'hot topic issues' and go with the flow with what is trending only. As an CSO FGD participant said, “Most media houses copy from the leading media, evidenced by the kind of programming on today. Mostly sensational stories are churned out on radio, with no content to educate the media. There is also the problem of media having most of their income from government advertisements, which makes articles criticising the government watered down and pro government.” It was even mentioned that sometimes the intended message is not usually delivered with clarity.

One participant mentioned that sometimes information is misreported and distorted. He gave his experience that once, he had an interview on his farm on the methods he employs on his farm for productivity. He mentioned that the interview went extremely well and he was looking forward to the article. Unfortunately, the article published was very inaccurate and in the end was disappointed he did the interview. Additionally, media will sometimes send a crew to record and collect information but the output is never aired or shared with the public because that content is not going to get sufficient 'eyeballs'.

Quote from FGD CSO participants: “...the media is very much misinformed when it comes to health...they don't do it intentionally but it is because they don't have the capacity... many times you will call the media but then they will ask how will I sell more papers with this content on mental health?...the media is playing their role, but there is a lot that they can do better...they want headlines about sex, politics and those other topics they mostly post about”.

The participants mentioned some disadvantages of media in Kenya. Firstly, the price, it is expensive for people in rural areas to access the information. For instance, online sources require smartphones, which most people do not have or need money to replenish their data bundles, newspapers are expensive to acquire daily and cost of acquiring a TV is unattainable for most people. Although offline sources are most preferred, people prefer having the information as it breaks and not 'stale' information or having to wait on it, this has greatly increased popularity of social media platforms such as Facebook, Whatsapp and Twitter. It is also important to note that not all people have English literacy, especially with people living in semi-urban and rural areas, who know Swahili, hence some articles present a language barrier.

# Recommendations

Have educative programs on media to ensure that citizens get quality programming. This should cover education on new media sources, how to spot fake news and Clickbait and how to behave responsibly on social media. Eventually the onus is on the consumer, before they send out a message they need to verify its authenticity.

Although the primary source has always been broadcasted news from key media houses for most Kenyans, traditional media is slowly losing their role as the only source. More and more people are researching to know the truth and validity of news items. This has given rise to bloggers as well as independent media who play a key role in dissemination of information such as [The Elephant](#), [B.A.K.E](#), [Katiba Institute](#) amongst others.

Media houses should invest in research to have facts forming the basis of their stories and present the information in a compelling way. Furthermore, they should involve citizens in storytelling to ensure that correct and reliable information is churned out. When citizens are involved, the information reflects the needs of the population. In this way, the media will have citizens' trust which is key for the media to be a credible source.

There is a lot of information online from various social media platforms, traditional media, local and international organisations resulting in information overload. Media should access and summarize this information and disseminate in such a way that citizens can best benefit from it.

Finally the language spoken on radio is largely Swahili, as a result the listenership is highest for these stations. For this reason, it is important to have information from dissemination programs in Swahili to cater for all people and also translate the technical terminology for all to understand. Providing an option of vernacular stations also ensures that populations in rural areas who do not communicate in Swahili can also access key information that is disseminated by the media.

# Findings on who influences policy in Kenya

## Hierarchy of Influencers

- Citizens
- Religious Leaders and Community leaders/elders
- CSOs
- Legislators
- Donors
- International Organisations (IOs)



In Kenya there's an obvious and crucial association, what could loosely be referred to as a partnership between **CSOs** and Citizens. Their individual roles in this partnership effectively make one powerless without the other. CSOs bring to the table networks and key relationships, crucial technical information of which they consistently translate and simplify for Citizen's consumption and of course a wealth of knowledge and understanding of the process, breaking down bureaucracy and provision of resources necessary to effectively influence policy in such a volatile environment. CSOs who have access to key working and networking groups, thematic annual events, journals containing relevant technical information (ranging from topics of health, education, development to agriculture) and even direct relationships with government officials especially legislators play an important role in policy influence. However, it is evident that even with all this they are still not the most influential stakeholder and thus cannot go it alone to further, more effective policy reform in Kenya.

In the course of our study it was evident that citizens are the most influential group when it comes to policy influence. **Citizens** generally and overwhelmingly have the ear of the government and its officials, the same would be said when it comes to who CSOs turn to, to get momentum on courses of action. With the advancement of technology in Kenya, citizens are not only ensuring their voices are heard via barazas (village meetings with their area chief), town halls or citizen group meetings but social media has become a very integral part of community organisation and public participation. Hashtags '#' on Twitter for example [#KillTheICTBill](#) and more recently [#WeAre52pc](#) have both seen great engagement in relation to ICT policy and 2/3rd gender rule representation in parliament respectively. CSOs such as [Katiba Institute](#) who are key in moderating conversations online regarding policy awareness and reform, greatly rely on citizens to generate actual discourse and buzz around these topics to achieve the 'viral' effect, which then in turn alerts the government who are then obligated to pay attention and respond accordingly.

Bearing all this in mind, as earlier mentioned Citizens, CSOs and Legislators form the Policy Influence Trilogy in Kenya, where each one has a vital interdependent role, with Citizens at the top.

**Donors** and **International Organisations** also play a key role in policy influence in Kenya. Especially since these groups are well financially resourced they are able to ensure their voice is heard in rooms discussing key issues. One FGD participant in Kisumu however mentioned that sometimes these groups lack the nuances and on the ground realities being faced by populations in Kenya which leads to financing projects that do not reflect the current needs. Our recommendation is that much more research needs to be conducted in different locations around Kenya, as well as increased collaboration with locally operating civil society organisations, who can share key information to better inform donor and international organisation intervention programs or activities in Kenya.

## Urban Vs Rural Policy Influence

To accurately differentiate the influence of urban and rural populations on policy in Kenya, it will be important to describe and create a profile of the individuals located in rural and urban areas.

### Urban

- Well educated (have pursued at least secondary level or higher levels of education)
- Well informed on civic issues and current state of affairs in Kenya
- Have consistent and formal employment and thus have more disposable income
- Communicate not only in ethnic languages but are fluent in Kiswahili and English
- Have relatively good access to public services and amenities

### Rural

- Relatively less educated than urban populations (most have only completed primary level education)
- Rely on agriculture and informal sector for wages and thus have inconsistent income and subsequently less disposable income
- Communicate in mostly ethnic languages with varying Swahili usage and few being able to communicate in English
- Constrained access to public services and amenities

It is evident that urban populations are not only well educated but also have access to information via various media that helps them participate adequately in civic issues. This is however dependant on time and financial resources. Using social media as an example, many populations in urban areas are using Facebook and Twitter to call out and blow the whistle when government officials are involved in cases of graft or when they are not keeping their promises to citizens. As earlier illustrated, popular hashtags on Twitter have resulted in adequate pressure for reform in public matters.

Due to high cost of data bundles, rural populations who have relatively less disposable income as compared to urban populations, are unfortunately not as engaged online, thus keeping them out of these conversations and lacking in awareness of current trends being discussed online.

Populations in rural areas rely mostly on radio to access information but currently, not sufficient material is disseminated on radio that would equip them to stay up to date and engage effectively on civic issues. It would be a great opportunity for media to step up their role in policy influence in Kenya.

Huge populations reside in rural areas as opposed to urban areas and thus this is where politicians invest financial resources when campaigning to seek re-election. It is also a common phenomenon that some individuals in urban towns (who mostly migrate from rural areas in search of employments) travel back to their rural homes to vote,,. For this reason populations in rural areas carry majority votes despite their lack of crucial and relevant technical information to make the best decisions. A notable quote from a CSO representative who often runs community engagement initiatives, “there is a challenge for the rural based people when it comes to understanding the technical issues involved”.

Urban populations have great influence when it comes to policy influence and reform but are not the ones who have more control over selecting appropriate leaders, (politicians organise massive political rallies in rural areas rather than major cities to take advantage of numbers), who can champion and implement their policy inputs and critique as is seen by policy engagement on social media platforms e.g. #KillTheICTBill and public participation via Google Docs as was the instance in #CurriculumReformKE.

## **The impact of Devolution on Policy Influence in Kenya**

The promulgation of the Constitution of Kenya in August 2010 set the stage for major institutional reforms. Devolution of government and public participation were not only new, but are also critical components of these reforms.

Devolution was one of the concepts in the Constitution that brought about a complete overhaul in Kenya’s system of governance. This is because it was a new aspect in the Kenyan governance system. The need for devolution has been seen in many countries and it is informed by the need to have power sharing, checks and balances in governance and the decentralization of resources.

The key success as far as devolution is concerned in Kenya, is that resources are now being equitably distributed across Kenya, where counties previously neglected now have allocations to financial resources, which is resulting in improved access to public amenities and enhanced development in these counties.

Devolution has also reduced bureaucracy in the government, it is now much easier to access government officials/offices in case you need specific services, and communication lines have opened up where citizens have a much better chance of receiving facetime with various government officials. A comment from a CSO representative, “With this new devolved government that was new to all of us, some may have hesitated to approach officials because of the title ‘Minister’ which seems senior but you can actually sit down with them and discuss one on one and they listen.”

3. <https://qz.com/1047022/election-in-kenya-2017-nairobi-residents-leave-town-as-election-date-nears/>

4. <https://www.standardmedia.co.ke/business/article/2001250290/it-s-safer-at-home-say-kenyans-as-pre-vote-exodus-starts>

5. <https://www.reuters.com/article/us-kenya-election/kenyans-stockpile-food-kenyatta-appeals-for-peaceful-vote-idUSKBN1AN1A3>

It is now commonplace to have county level decision making having an immediate and direct impact on citizens. A great example is what Kakamega county is doing [here](#) in collaboration with legislators, civil society and county residents. The Kakamega County Maternal Child Health and Family Planning 2017 Bill, sets aside 3% of the county health budget for cash transfers, to women who utilize the Imarisha Afya ya Mama na Mtoto Program (Translation: Improve welfare of mother and child program) where women are encouraged to deliver babies, with a skilled attendant present. These are some of the instances where counties can take advantage of opportunities to benchmark amongst each other, in order to replicate good case practises across the country.

However, despite some of these successes of devolution, some ministries have not been devolved and as an FGD participant described using the health ministry, where some policies can only be made at the national level, making it hard to instigate county level policy reform. This subsequently makes county level participation in policy debates unproductive, because some decisions are made on a national level to be implemented on a county level. An example of this was [here](#) when the national government signed a Collective Bargaining Agreement with Kenyan Doctors and Nurses but did not include county governments in the decision making, thus frustrating the delivery of health services in Kenya's 47 counties, that resulted in the longest doctors strike Kenya has experienced to date.

## Public Participation

Public participation is a process where stakeholders collaborate and involve citizens, which in turn empowers citizens to take charge of their communities, thus ensuring that accountability and democracy are upheld. Kenya's constitution enshrined public participation thus giving citizens the sovereign power, either directly or through their elected leaders, both at the national and county levels. Under section 35 citizens have the right to request for information from the government while the right public participation on a national and county level is provided for under section 118 and 196 1b of the constitution respectively. Under section 10 2a, participation of people and the right to have their voices heard is outlined as one of Kenya's national values and finally under section 201a, is the provision for openness and accountability to be upheld in issues of public finance.

Public participation is effective when inclusivity, awareness and openness are included. **Inclusivity** for an equal representation of all citizens (and stakeholders) including those from minority groups. **Awareness** is having the right information at the right time while **openness** refers to having unrestricted access to information for transparency and accountability purposes. It also involves the right to give comments without fear of reproach. When these elements are sustained, it leads to enhanced participation, builds citizen and stakeholder engagement thus increasing public trust and promotion of democracy.

6 <http://www.path.org/news/press-room/831/>

7. <https://www.nation.co.ke/news/Western-region-in-the-limelight-as-Oparanya-hosts-governors/1056-4493938-vk8g2yz/index.html>

8. <http://www.kenyalaw.org/kl/index.php?id=398>

9. [https://www.academia.edu/5171151/THE\\_PLACE\\_OF\\_PUBLIC\\_PARTICIPATION\\_IN\\_KENYA](https://www.academia.edu/5171151/THE_PLACE_OF_PUBLIC_PARTICIPATION_IN_KENYA)

10. Stakeholders: People with a stake in an issue they include: NGOs, government, industry, individuals and communities. They provide Insight and Information, Knowledge and Experience, Finance\*\*

For instance, under Section 87 of the County Governments Act, 2012, it states that *each county should engage stakeholders and the public when developing legislation and policy*. The County Act further stipulates that *county departments must continuously report and communicate to the said stakeholders on the processes, outcomes and impact of policies, programs and the services delivered*.

All the four counties in which the study was conducted identified public participation as a key influence on policy. Examples of public participation employed are citizen audits, barazas, citizen fora as outlined in the [Urban and Cities](#) act. Despite the bottom-up approach to involve citizens in vital decision making processes as entrenched in the constitution, some participants expressed that their views were usually overlooked by the local government. More than half of the interviewees mentioned that they took part in policy formulation, where some of the policies had already been accented, while some stalled in parliament. Most of the participants were actively pushing for policy adoption and had influenced some of the policies that went through and even lobbied for some policies to fail when tabled in parliament.

In Nairobi County, 80% of the CSO representatives mentioned that they took part in more than five public participations that led to changes in policy. It was interesting to note that Mombasa has county public assemblies where residents get updates on the bills tabled in parliament. Although this is made possible, there is usually low turn out, largely due to citizens not being aware on how they can take part in the process, it was a common sentiment that some citizens wanted an 'incentive' in order to participate in these assemblies.

It is worthwhile to mention that the participants asserted that calls by county government are usually on **Participatory Budgeting**. Unfortunately, in most cases the communication is sent out late and in the end they have very few citizen representatives present. This leads to disillusionment and citizens feel that they are invited just because the law requires it and to 'tick a box'.

Citizens feel that it is their civic duty to determine the use of public welfare funds by the county government, however, frustrations as those cited above demoralize citizens from getting involved in future policy making processes. A significant number of the interviewees have taken part in crafting bills, some of which were successfully passed while others failed as the county government didn't heed to their views.

The participants interviewed mentioned that public participation was introduced to hand the rights over to citizens, however, representatives from the civil society state that citizens are not fully participating. This led the researchers to ask, "what are the challenges in public participation? Why are very few citizens participating in the process? Is it not very effective?"

11. [http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/CountyGovernmentsAct\\_No17of2012.pdf](http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/CountyGovernmentsAct_No17of2012.pdf)

Below are the reasons for ineffective participation.

1. The role of CSOs and citizen rep groups, is to be the middleman to monitor whether practices are adhered to, call for public participation and influence policy. Their work is hampered when there is no cooperation or being barred by government, which in turn reduces the level of engagement prospects for citizens in future policy making processes.
2. Citizen Ignorance and apathy was perceived to be the top challenge in public participation. It was also felt that there is inadequate information on how citizens can get involved in the processes.
3. Untimely communication, the government often gives a short notice on public participation. One participant said that "Effective public participation by citizens has to have the commitment of government representatives, churning the right information at the right time, therefore giving a hard time for CSOs to mobilise citizens to participate. In some instances CSOs are forced to threaten the government with legal proceedings to ensure specific development on issues."
4. Language used in Government documents is very technical and needs an intermediary to interpret the documents and to simplify them. Although Kenya has two national languages, most of the documents are only published in English.
5. Accessing government documents is hard, the CSOs interviewed mentioned that getting documents is sometimes hard due to bureaucracy and secrecy, however, they have not yet used the Freedom of Information act as a means to demand access. Quote from participant; "getting the information from the government side has been a bit challenging... You have to write letters to information officers to get information, who has to get authorisation from the Permanent Secretary or Minister so that he can release the information"
6. Citizens expressed that despite the county efforts in involving citizens, there's a need to adopt practical approaches for facilitating public participation for example, hosting these sessions outside working hours and with sufficient notice.
7. A CSO representative was quick to note that if you or your organisation are viewed as problematic (raising a lot of concerns and asking questions or providing critique), it may result in them being excluded from the process. It is also common for legislators/ politicians to finance allies to attend the public participation meetings, so that they can support legislators' personal interests, which creates a bottleneck in the public participation process.
8. Citizens must be organised and raise their concerns publicly , both online and offline, to make an impact and to be heard, which can be a challenging process that requires investment in time, financial resources and ability to work well with groups of people.
9. It's commonplace to see women being locked out of the public participation process, as a result of cultural beliefs, which don't view the discussion of policy outcomes and in general politics as a woman's role. Furthermore, women, who are minorities in the Kenyan context, explains the reason why majority of the issues affecting women are not taken seriously. In addition to culture, religion also affects a number of considerations and blinds objectivity and common good in some instances. For example, when assessing methods of family planning and spread of HIV, interventions such as provision of contraceptives, are discouraged as they go against religious beliefs and are viewed as immoral.
10. Lack of financial resources continues to be a key impediment in undertaking public participation. Donors and International organisations who more often than not are well resourced for this reason are able to influence the process and influence an outcome that is favourable to them regardless of whether this is one that is favourable for the community.
11. Government officials often have personal interests and ulterior motives which makes them lack objectivity in the public participation process. Things such as being awarded tenders or personal relationships may take the front seat rather than putting interests of the community first and foremost as is their mandate.

# Recommendations

Plan early to make a deliberate move to include citizens and inform them of the importance of their role and what it entails. This may include having regular civic education with citizens on diverse issues.

Effective communication strategies to ensure that all citizens are involved and included. This also includes the language used, the medium of communication, to ensure full understanding and participation of citizens.

Expand civil society partnerships by identifying relevant stakeholders and form partnerships to monitor and to encourage increased participation. Donors should include public participation as required deliverables in any partnership they enter for greater accountability.

Citizens need to hold their leaders to account, working hand in hand with CSOs and bringing a greater voice will enable citizens to reach inaccessible leaders, so as to ensure their needs are met by the government.

\*However, in recent developments worth noting MPs in parliament voted 144-53 to reduce the maturation period for a bill to amend electoral laws (this comes after the Supreme Court nullifying the August 2017 Presidential election) from 14 days to one day. In this light it is evident in volatile and uncertain situations public participation can be further frustrated and in some instances entirely disregarded for the sake of individual political interests.

# Conclusion

As outlined in the above report the dynamics of policy influence are not only nuanced but have great opportunity for improvement with several of the recommendations pointing towards a more informed and active citizenry.

In one of our final FGDs in Nairobi a CSO representative confidently outlined that the most influential policy influencer is the citizen. However, this needs a caveat. Only a citizenry that is well informed, engaged and consistent can bring about change. The conversation then, should be around which initiatives to spearhead, that will bear an ideal citizen who can effectively influence policy in Kenya.

In the same line an informed citizen is one who is able to effectively participate in demanding accountability not only in leadership dynamics but also amongst service providers. At both national and county level public participation happens in different ways. On a National level, organisations such as the [Consumer Federation of Kenya](#) take the lead on Public participation. However, on a county level is where citizens have a more direct and influential role in demanding accountability through mechanisms both online for example with [KICTANet](#) where ICT stakeholder citizens are encouraged to participate in conversations and offline for example with [Ukweli Party](#) and [Pawa254](#).

In counties across Kenya, offline public participation happens via [barazas](#) and other physical events such as [protests](#) where members of a community come together to demand accountability from their leaders and even corporate service providers such as [this case](#) with Uber.

As outlined in the research brief one of the objectives of the study was to: outline the role of the media to fully understand the role and the potential of the media influencing policy.

Media has a fundamental responsibility in inspiring trust and educating a responsible and engaged citizenry.

Going back to the objectives of the health desk the Gates Foundation sought to establish with RMS, which were to:

- Increase knowledge and awareness around the outlined health and agricultural issues in the audiences of Kenya.
- Increase the level of engagement by the audience over health and agricultural issues such as infectious diseases, maternal and newborn healthcare, reproductive health, and new, effective approaches to farming.
- Cultivate a sense of self efficacy among the audiences of RMS, so that they feel empowered to hold duty-bearers (local authorities) to account for their commitments to delivering quality health and agricultural services.

We then recommended a further study of how exactly the media can achieve the above objectives by understanding the barriers currently existing preventing citizens accessing the relevant information they require to participate in the process of policy influence in Kenya. This could be undertaken by conducting FGDs as well as design sprints which can firstly map the objective of the media, identify their problems and fashion solutions that eventually results in effective dissemination of information to citizens.

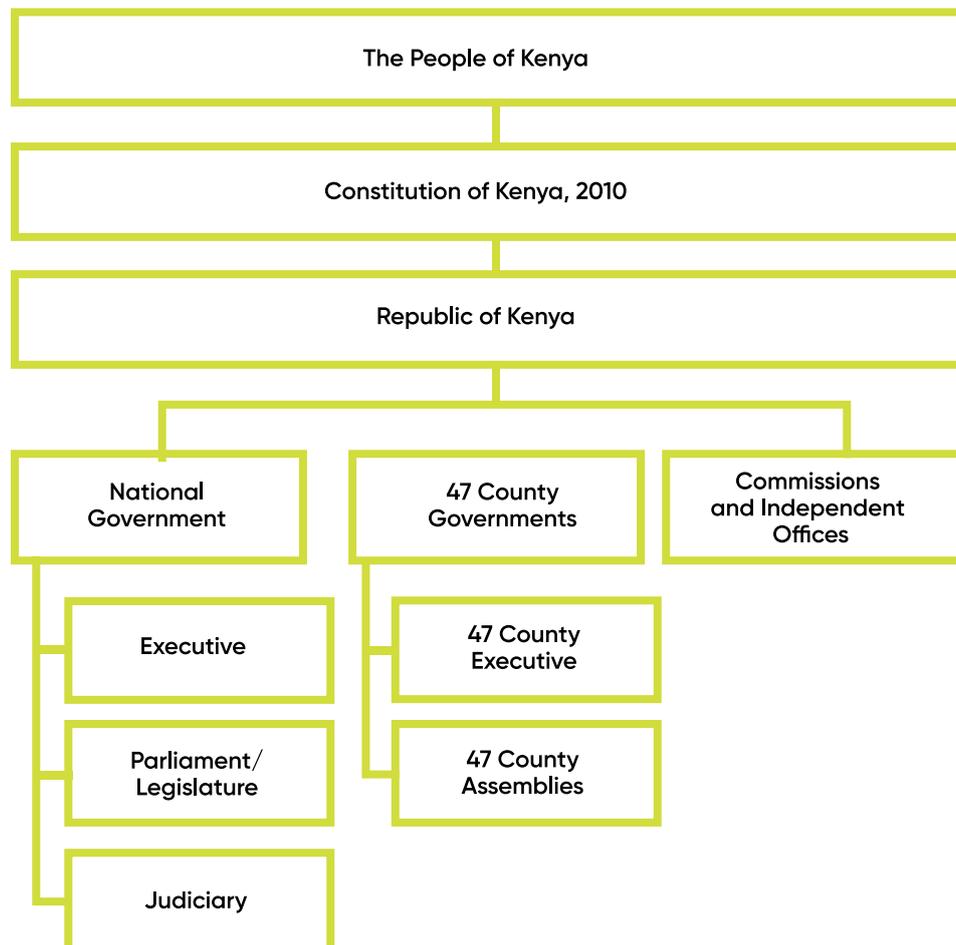
However, in the interest of time constraints around conducting a second phase of this study with a focus on media, it is key to note that the most popular media for disseminating key information to the public is radio in both rural and urban locations. This is because radio is easy and relatively affordable to access and is available in a diverse range of languages, for populations who cannot communicate in English and even Kiswahili, thus increasing its reach. In order to effectively take advantage of radio as a key tool of disseminating information to the public, it will also be important to allocate resources aimed towards capacity building within Media houses to enhance skill, understanding and professionalism which seems to be lacking in the media especially when communicating information that relates to policy issues in Kenya.

# Appendixes

## Acronyms and Abbreviations

<b>CBO</b>	-	Community Based Organisation
<b>CS</b>	-	Cabinet Secretary
<b>CSO</b>	-	Civil Society Organisation
<b>FBO</b>	-	Faith Based Organisation
<b>FGD</b>	-	Focus Group Discussion
<b>ICT</b>	-	Information and Communications Technology
<b>MCA</b>	-	Member of County Assembly
<b>MP</b>	-	Member of Parliament
<b>RMS</b>	-	Royal Media Services

## Kenya's Devolved Structure



This study involved our researchers travelling to 4 counties: Nairobi, Nakuru, Kisumu and Mombasa. To understand the intricacies of County Government operations [this](#) is a comprehensive resource that outlines all the components of County Governments.

# Secondary Data:

## Literature Review

Before undertaking any fieldwork research an analysis of existing literature on devolution, citizens' participation and on ICT management was done. Reference was made to secondary sources such as reports, online newspaper articles and academic papers to give some picture of the existing constitutional, legal and political frameworks of devolution and participation in Kenya.

A summary of the desktop research before embarking on the field research has been provided below:

In Kenya bills undergo a process before they eventually become law i.e

1. First Reading
2. Second Reading
3. Third Reading
4. Presidential Assent
5. Commencement

Parliament ensures publishing of bills in the National Gazette as well as online in form of a bill tracker that can be found [here](#). Often you will also find proposed bills available online, cross posted on different government managed websites. This definitely locks out a great percentage of the population for reasons ranging from: internet access, literacy, disposable income as well as citizen apathy which greatly limits awareness of parliamentary proceedings. Moreover, opening up public participation to the greater public (without focus on particular stakeholders, organisations or citizen groups) would make managing the process too large a task and almost impossible for objective and valuable feedback.

Met with these challenges inhibiting effective public participation, [here](#) is a summary of methods the government has proposed to mitigate these challenges. These include appropriate timing to ensure constructive feedback, giving opportunity for all no matter how divergent the views are, ensuring a representative demographic participating in the process, counties creating a customised strategy to manage the structure of public participation. While these are fantastic ideas, the onus lies on the 47 counties in Kenya to ensure they are enforced. However, the question still remains amongst a public that is apathetic, who is keeping the government accountable?

In a [paper](#) outlining public participation in Kenya, Wanga Obora clearly outlines the role of civil society organisations *not only acting as watchdogs, but also an influence on public opinion in terms of supporting or being against local government policies and practices. They often initiate the formation of watchdog committees and citizen advisory groups and facilitate their activities. Civil society organizations have for long played a significant role in enhancing a culture of participation across the world.*

While appreciating the important role that civil society groups are playing in policy influence via bill amendment processes, it's also crucial to note how social media has increased citizen participation in this process beyond traditional initiatives such as barazas (*Local meetings convened by local government officials such as Village Elders, Assistant Chiefs, Chiefs, DOs, DCs and County Commissioners. In most cases, baraza refers to meetings convened by the first three*). Social media platforms in Kenya especially Twitter and Facebook as well as platforms such as Google Docs and Google Groups are being used to provide feedback to parliament regarding bill proposals.

Taking the example of the ICT Bill proposed in 2016, this was the perfect illustration of how the internet was and is currently being used in Kenya to enhance civic engagement. Using the hashtag [#KillTheICTBill](#) Kenyans on social media shared their opinion and feedback on the bill that was proposed. Using co-created documents on Google Docs we could also see individuals having an easier method to contribute their voice to the bill [here](#) and [here](#) for the Cybercrime Bill and [here](#) for Curriculum Reforms.

However, even with these opportunities for individuals to participate in the legislative process, civil society groups still have a bigger voice mainly attributed to the fact that they have access to resources and contribute an aspect of already established 'organised' public participation that individual citizens have not yet mastered. Moreover, county governments heavily rely on CSOs to provide initiatives focused on increasing citizen participation. It's important to note however, most of these CSOs are reliant on donor funding which presents a huge risk for sustainability in the event donor funding runs out or is cancelled.

## Survey Instrument

### About the Respondent:

1. Tell us about yourself?
2. Who are you, where do you work?
3. How long have you worked there and what do you do there?

### Respondent's Civic Engagement Habits/Practises

1. How do you (or your organisation) keep up with issues you are passionate about? (List Online and Offline sources)
2. Add information on media sources, probe on radio (Would you list them?)
3. Was it (information source) engaging/interesting/worth it? Was it sufficient? What would you change to make the information more relevant? What would you suggest to ensure more Kenyans are more aware of this information?
4. What were the limitations of this source of information? For what type of information would you not go there for? Why wouldn't you go there for that type of information?
5. What else are you interested in finding out from this source?

## General Kenyan Civic Landscape Awareness:

1. Please describe one incident
  - a. What did you do?
  - b. Did you share it? What was your motivation for sharing it and how was it received?
2. Do you keep abreast of new bill proposals tabled in parliament? How? (specify which online and offline platforms and the specific information gotten from all the ones mentioned)
3. After you acquire the new information what do you do next (action) as a response to that information? (e.g. holding meetings, spread the information - how?)
4. Does it take a lot of effort for you to keep informed of new bills in parliament? Explain the challenges.
5. Have you ever participated in the input/influence/impact/crafting of a bill?
6. Did you participate in the process via your organisation or as an individual?
7. If your organisation was not involved in the process would you actively participate in it on an individual level?
8. Did your participation lead to changes in the bill? Mention which ones?
  - a. After the bill was enacted, what else did you do to ensure that it is being upheld?
  - b. Could give us at least one reason why the bill did not pass?
9. Are you currently involved in crafting a bill proposal? Tell us more about that
10. What challenges did you face when making the bill?
11. What could be done differently when drafting the bill?

## Communication with leaders

1. Do you communicate with your elected representatives? How often?
2. Please inform us through what means barazas, social media, radio, physical meetings, through an intermediary?
3. Which specific media platforms do you rely on to communicate with elected officials?
4. Would you say your elected leader listens to you? How do you know this?
5. When you see a failure in service delivery, who do you reach out to, to be heard? (national or county government)
6. When reaching out to your representatives in line with devolution, what is the difference between the nation and county governments?
7. How many meetings are held in your locale geared towards engaging with citizens on civic issues? Describe for both at the national and county government.

## Policy Influencers

1. In your opinion, who is the most influential person in the creation health sector bills? For what reasons are they influential?
2. How would you describe the role of government in crafting laws/policies in Kenya? How about that of CSOs (organisations such as the one you currently work in)? How about the role of the government in ensuring participation in the legislation process?
3. What is the role of citizens in this process?
4. Do you think that the citizens are involved in crafting public policies? Explain your answer?
5. What are the factors contributing to the challenges/ease of citizens collaborating the in the process of law crafting?
6. What is the difference between rural and urban populations influencing policy in Kenya? Why does this difference exist? If at all.
7. Did you feel that all the civil societies were represented? Why?
8. Do you think government and its officials are open to collaborating with you in the policy creation process? Why?
9. How do you interact with the government officials?
10. Does the interaction change after elections? (are they more or less accessible) Share your experience interacting with government officials after their election into public office.

## Devolution and Policy Creation

1. Post devolution, how has your interaction with election officials changed?
2. Has devolution made it easier or harder to give your feedback to elected officials regarding community issues? Please explain.

## Information and Media

1. Was/Is media involved in the process of legislation/policy creation? Which specific sources? (specific companies/outlets)
2. In your own words, what is the role of media in civic engagement and governance?
3. In your opinion what reasons would you say make the media in Kenya objective or not? Could you give examples of trustworthy and untrustworthy media outlets?

## Literature Review

*Some statistics (2015)*

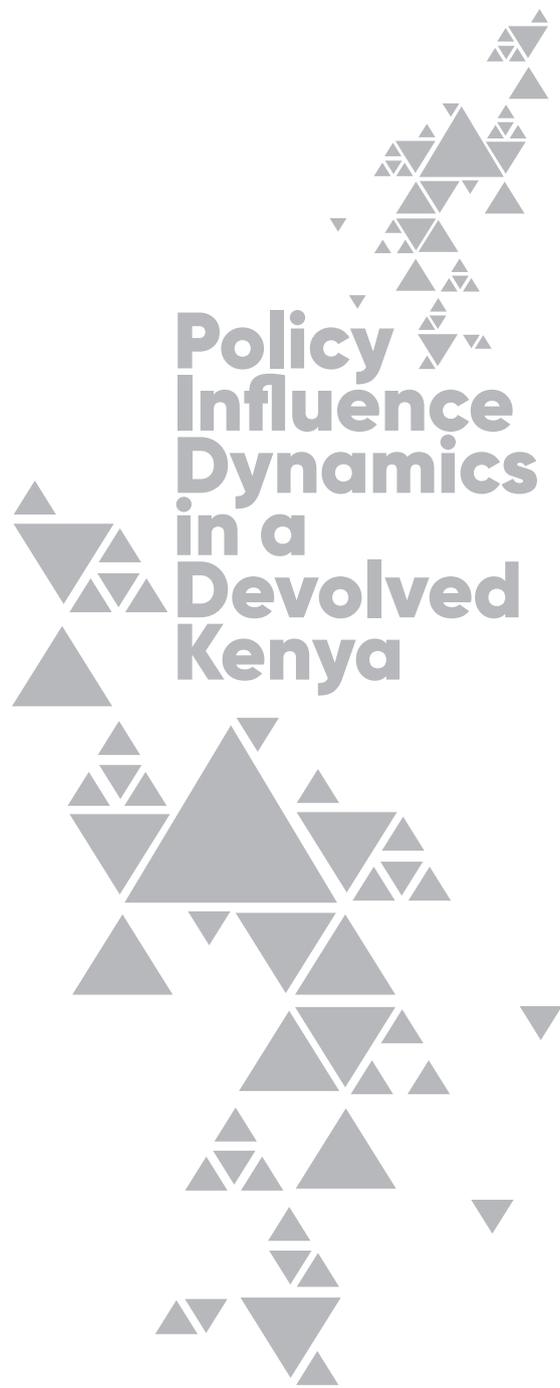
"Only 5.7 percent of Kenyans have participated in citizen consultation forums at the county level in the past one year. Only 17 percent of Kenyans are aware of how much funds have been allocated to their counties. Sixty-eight percent of Kenyans have major concerns regarding the way local governments are run. However, 72 percent of them believe that as individuals they can only do little or nothing to influence Government," Cornelus Oduor, CEO of the Centre for Enhancing Democracy and Good governance read out.

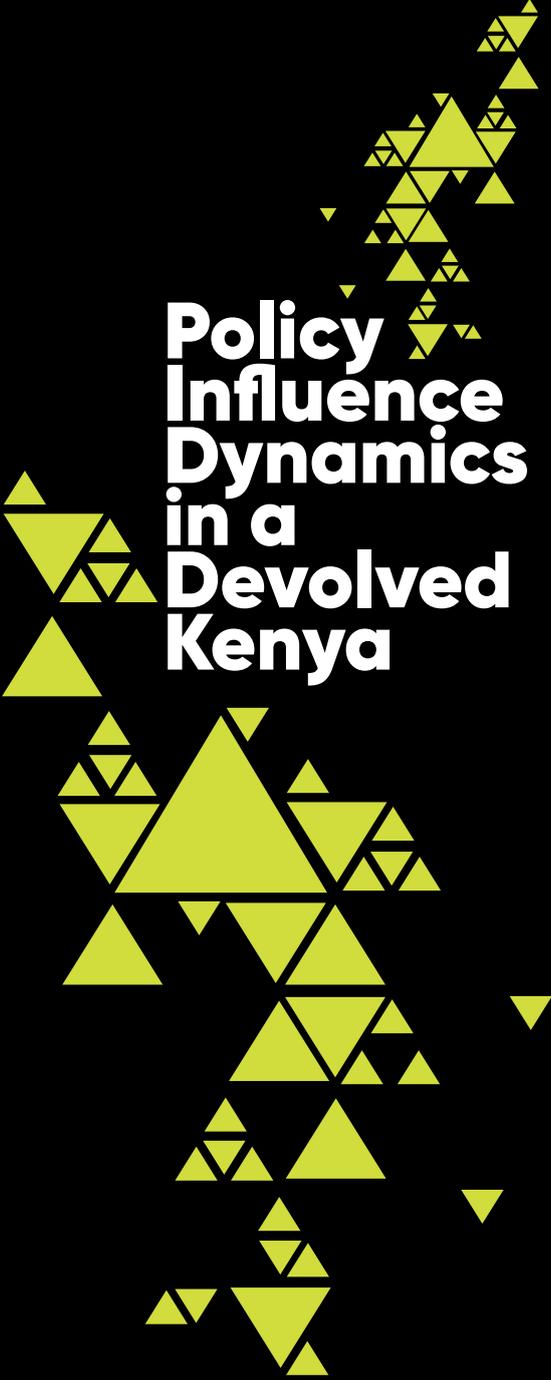
This clearly depicts a gap in understanding of the responsibility as well as power that rests in citizen groups, that in turn affects effectiveness of citizen participation in Kenya. To mitigate this a consortium of civil society groups pledged almost \$100 M to strengthen public participation in county governments.

It is clear CSOs are at the centre of enhancing public participation in both national and county governments.

"Real citizen participation is about the ability to influence outcomes," said Wanjiru Gikonyo, head of The Institute for Social Accountability, "and it's both beneficial to the county governments and to citizens; it's the root of success."

How far are we from realising this as a reality in Kenya? To what extent are citizens influencing policy today? What has evolved in the past 2 years (since 2015) to enhance citizen participation? What are the current good case practices in counties to enhance public participation? What is locking out widespread public participation in most counties?





**Policy  
Influence  
Dynamics  
in a  
Devolved  
Kenya**

