



GW Rifa's Public Participation Survey Report

Survey Report on the State of Public
Participation in Kenya



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Executive Summary

The report presents the findings of a survey conducted by GW Rifa to assess the citizens' understanding and perception of public participation in Kenya. The survey elicited recommendations from the public on how best to handle their participation in creating laws in the country. These recommendations are contained in the **participants' voices** section.

The survey focused on 5 key areas:

1. Citizens' understanding and their need for public participation,
2. Prior experience with public participation,
3. Contention with the government's adoption and consideration of their views,
4. Satisfaction with the government's calls for public participation and
5. Whether the government values and prioritizes public participation.

Individuals were polled about their understanding of the concept of public participation and the need for citizens' involvement in the same. **Only 10.3% stated that they were very knowledgeable and regularly participated in the country's law-making process. 25.3% of the respondents displayed some knowledge of public participation, having obtained this information from news outlets and other sources.** However, from this number, some respondents were unsure whether public participation was allowed on an individual level. **Close to 5% of the respondents (4.7%) were unaware that they were allowed to participate in the law-making process.** The low level of expert understanding and participation in public participation points to a need for enhanced civic education among the population.

Respondents were asked to comment on their prior experience with public participation and whether they had ever submitted any proposals or memoranda on a proposed law, regulation, or policy in the country. **Less than a third (30.8%) indicated that they had, while 69.2% had never participated in the country's law-making process.** This statistic points to a need for greater public involvement in creating Kenya's laws.

When queried on their level of satisfaction with the government's adoption of their submissions and proposals, a staggering **81.6% of those who have participated in the law-making process did not believe that their views were considered by the government.** Only **14.5% expressed confidence that their input had been taken into consideration, while 3.9% had seen their views reflected in some of the laws.** To allay people's fears of non-consideration while simultaneously boosting trust and encouraging participation, the government should increase transparency and provide feedback on how the public's views are integrated into the law-making process.

Regarding the government's calls (invitations) for public participation, **only 2.8% of respondents stated that they were satisfied** with the timeous nature of the calls, the number of people reached, and the media that was used. By contrast, **69.8% of those polled rated the government's calls as very poor,** while **27.4% found them to be average.** The government should improve its timing, outreach, and communication channels used for public participation calls to ensure broader and more effective engagement. This could perhaps be achieved by working more closely with professional bodies, associations, and county governments.

As for the overall assessment of whether the government values and prioritizes public participation, **88.7% of the respondents were unsatisfied.** In comparison, **the remaining 11.3% were happy with how the government handles, values, and prioritizes the public's views when it comes to law-making.** This indicates that the government should take a more proactive approach and measures to demonstrate its commitment to public participation to the people.

Introduction

This report presents survey findings on people's understanding and perception of public participation in Kenya's legislative process. In doing so, it sought to elicit individuals' experiences in contributing to the country's laws.

Meaning and Foundation of Public Participation

Whenever Parliament – National Assembly or the Senate – has put out a request for the submission of memoranda (public comments), the following phrase will usually close off the request:

"NOW THEREFORE, in compliance with Article 118(b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill to..."

This request will vary slightly depending on which House the Bill is being discussed or which committee is steering the discussion. However, the message is always the same i.e., the public's input is required before any further discussions on the Bill can proceed.

Meaning: any process that directly engages the public in decision-making and gives full consideration to public input in making that decision.

Foundation: Article 118(b) requires that Parliament facilitate public participation and involvement in making laws and other business of Parliament and its committees.

The backdrop of this survey is the 2024 Finance Bill, which came under intense scrutiny.¹ Many of its provisions aimed at raising additional revenue were strongly opposed by the public, and there were fears that the Bill would be forced through, much like the 2023 Bill, with minimal changes. It was apparent that despite the public's opposition to parts of the bill, most controversially the housing levy, the government had no intent to consider the citizens' feedback. Public participation is one of the national values and principles set out under Article 10 of the Constitution. It allows citizens to access information held by the government and, more importantly, gives the public a chance to influence policies, regulations, and legislation expected to govern them. By doing so, public participation legitimizes the decisions made by the government, promoting adherence to the rule of law. Meaningful public participation should, therefore, be genuinely sought and valued, ensuring that citizens' voices are heard and considered in the legislative process, fostering trust and transparency between the government and its people. It should never be done as a mere formality.



FINANCE-COMMITTEE | Photo Credits: Google Images

¹ Mohamed, Ajra. (2024, June 30). 'Historic Gen Z protests ushering in a new era of activism in Kenya.' Business Daily. <https://www.businessdailyafrica.com/bd/opinion-analysis/columnists/historic-gen-z-protests-usher-new-era-of-activism-in-kenya--4674988>

Survey Results

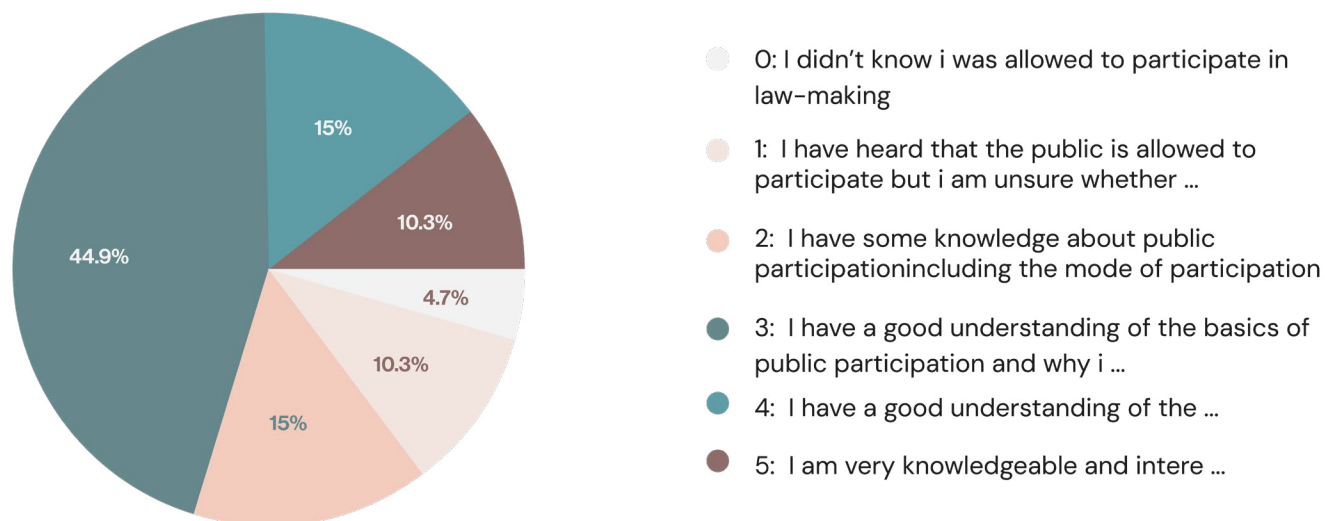
The survey had 107 participants from different professions, age groups, and regions in the country.

1. Understanding and Need for Public Participation

Participants were requested to rate their understanding of public participation and the need for their involvement as citizens (Scale 0–5). The responses were:

- **4.7%** did not know that they were allowed to participate in the law-making process,
- **10.3%** had knowledge of public participation but believed it was confined to professional associations and bodies,
- **15%** knew about individual participation from friends, news outlets, and other sources,
- **44.9%** possessed a good understanding of public participation but had little to no experience engaging in it.
- Another **15%** also had a good understanding of public participation and its importance and had contributed to making several laws in Kenya and
- **10.3%** demonstrated an expert-level understanding of public participation and made regular, consistent contributions to proposed laws.

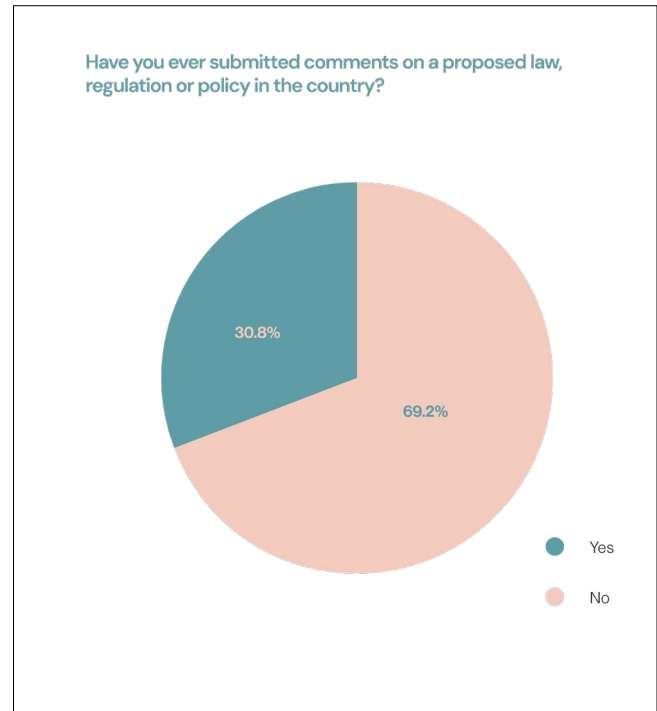
How would you rate your understanding of public participation and the need for your involvement as a citizen? (Scale 0 – 5)



2. Prior Experience with Public Participation

Survey participants were asked to comment on whether they had any experience in public participation and whether they had ever submitted comments on a proposed law, regulation or policy in the country. Individuals responded as follows:

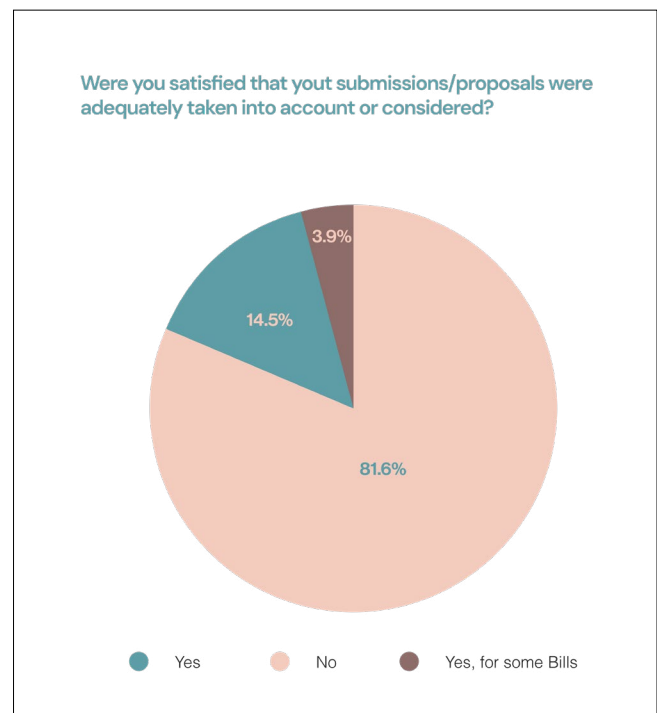
- No – **69.2%**
- Yes – **30.8%**



3. Government's Adoption and Consideration of Public's Views

Respondents who answered question 2 in the affirmative were queried on whether they were satisfied that their views, submissions, and proposals were taken into consideration. Their responses were:

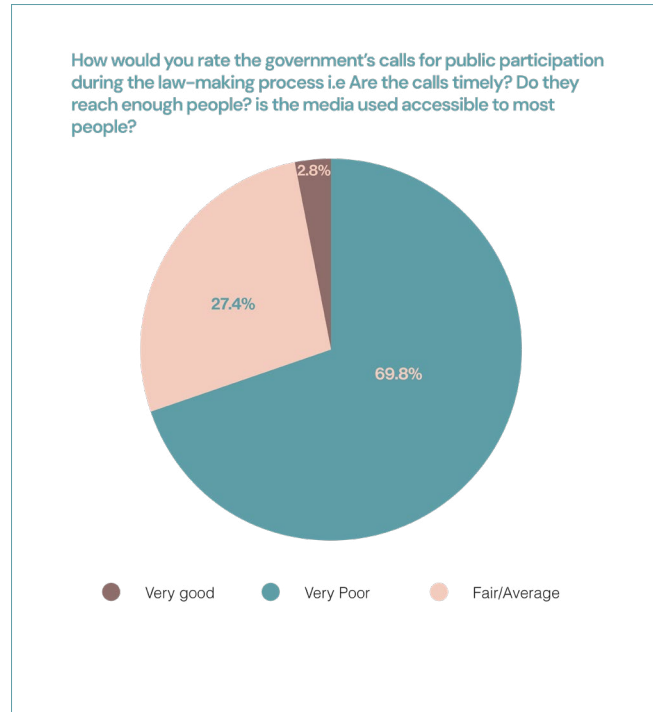
- No – **81.6%**
- Yes, for some Bill – **3.9%**
- Yes – **14.5%**



4. Government's Calls for Public Participation

Participants were also requested to rate the government on how well it puts out the calls or invitations for the public participation process. This rating was based on criteria such as the timelines given for feedback, the number of people that respond to the government's calls, and the medium that is used to issue or send out the invitations. Findings showed that:

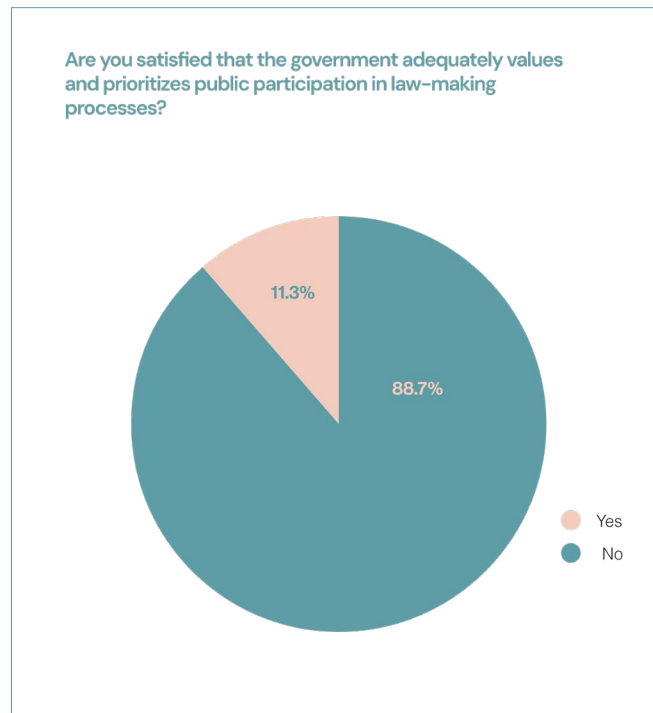
- **69.8%** gave the government a **very poor** rating,
- **27.4%** rated the government as **fair/average**,
- **2.8%** gave them a **very good** rating.



5. Government's Perception of Public Participation

Lastly, the survey sought to elicit the public's level of satisfaction by asking if the government adequately values and prioritizes public participation in law-making processes. The responses were:

- No - **88.7%**
- Yes - **11.3%**



Participants' Voices

"The results of public participation are never felt as the process has become just a formality to tick the check boxes."

"I often feel like the bills are too detailed for me to be engaged in all of them. Especially when I factor in the "legal speak", I just opt to read the details for the bills that I care about. Unfortunately, because mainstream media (which are what govt uses to relay information about these forums) is not one I use daily, then I am usually at the mercy of social media sources drawing attention to particular bills. This of course is primarily my fault (relating to citizen duties) but it is also difficult to keep up with all that the parliament is up to. Our leaders have certainly perfected making much of irrelevant topics and thus distracting us from the relevant issues that they don't make nearly as much noise about."

"The government ought to genuinely consider its citizens input because that is the role of public participation and they have a share in our nation."

"Let me say, Public Participation has, in previous governments, made its contribution to adjusting laws and making them better suited for the people. However, KKs government has no regard for Public participation, as they are hell bent on forcing their way and they do not even obey Court Orders."

"I would like if they can make public participation even in interior Areas for everyone to reach even illiterate."

"I think that so as to have meaningful public participation in Kenya, the first step should be the establishment of proper guidelines on public participation so as to establish the threshold of actually saying that "public participation was conducted for this law or bill". The legislators should revisit the public participation bill, make all necessary proper amendments that would benefit Kenyans then pass the bill. It is unfortunate that "bad laws" are passed because many Kenyan Citizens are unaware of how to engage in the public participation process."

"When is Government ever going to respect Kenyans' sentiments as provided for in the COK 2010. Currently the process is a talk shop."

I see no need for the N.G [national government] to run public participation but still use the N.A [national assembly] to pass punitive bills. It is a waste of time and resources, if you ask me."

"In my view the public participation is just an academic exercise. People's views are not considered because the government of the day has what it want and then it will force it in people whether they like it or not. Unfortunately, I have no faith in all these shenanigans "

"Would it be possible for lawyers like yourself to compress these bills from the 10s of pages to something like a 2-5 pager that summarizes the bill and enables me as the reader to decide whether the said bill is good or bad. For reference, the finance bill 2024 is 136 pages."



Conclusion

The findings of this survey reveal significant dissatisfaction with the current state of public participation in Kenya. The responses were collected from individuals across various regions, professions, and demographic backgrounds to ensure a comprehensive understanding of public participation in the country.

The survey revealed that while a majority of the population understands the need for their involvement in public participation, they rarely participate in the process. This could be attributable to a general lack of interest in being part of the process or insufficient information about laws, regulations, and policies that need the public's input. An area of improvement for both the public as well as government in the critical process can thus be deduced. Positively, those who are unaware of their role as individuals in the law-making process make up only about 15% of the population. This notwithstanding, there is an opportunity to close the gap through civic education and enlighten the public on why everyone needs to be familiar with public participation.

The question on prior experience with public participation buttressed the clear gap between citizens' knowledge and understanding of the importance of public participation and their actual involvement in the process. While a combined 74.9% of the respondents had some level of understanding regarding public participation, only 30.8% of those polled had ever made submissions to a proposed law, regulation, or policy. The clear discrepancy in numbers underscores the need for individuals to take a more proactive approach to the law-making process.

The survey also highlighted the government's shortcomings in critical areas of the public participation process, including not considering citizens' views (which is the essence of the process), poorly conducted invitations, and an overall lackadaisical attitude that sees them treat public participation as a mere formality other than an integral part of the law-making process.

In conclusion, addressing these issues requires a concerted effort to enhance civic education, improve government transparency, and foster a more inclusive and proactive approach to public participation. By doing so, both the government and the public can work together to ensure that the law-making process is more democratic, participatory, and reflective of the citizens' needs and opinions.

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Annex 1: Survey Questions

1. How would you rate your understanding of public participation and the need for your involvement as a citizen? (Select one)
 - 0: I didn't know I was allowed to participate in law-making
 - 1: I have heard that the public is allowed to participate but I am unsure whether it is as individuals or professional associations/bodies.
 - 2: I have some knowledge about public participation including the mode of participation gathered from friends, news outlets and other sources.
 - 3: I have a good understanding of the basics of public participation and why it is important, but have little to no experience engaging in it.
 - 4: I have a good understanding of the basics of public participation and why it is important, and I have participated in making a few laws.
 - 5: I am very knowledgeable and interested in public participation and regularly participate in the law-making process.
2. Have you ever submitted comments on a proposed law, regulation or policy in the country? (Select one)
 - Yes
 - No
3. Please highlight which bill(s)/policy/regulation you commented on.
4. Were you satisfied that your submissions/proposals were adequately taken into account or considered? (Select one)
 - Yes
 - No
 - Yes, for some bills
5. How would you rate the government's calls for public participation during the law-making process i.e Are the calls timely? Do they reach enough people? is the media used accessible to most people? (Select one)
 - Very poor
 - Fair/Average
 - Very good
6. Are you satisfied that the government adequately values and prioritizes public participation in law-making processes? (Select one)
 - Yes
 - No



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