

Determinants of Public Participation in Kenya Counties

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THE KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS (KIPPRA)

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Kenya Institute for Public Policy Research and Analysis

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Abstract

The Constitution of Kenya 2010 brought about a framework for devolving public resources in Kenya's 47 counties. The counties were vested with responsibilities of taking care of health, roads, agriculture, urban areas, among others. Such responsibilities are to be met through ensuring socio-economic development through budgeting and planning that is participatory in nature, thereby enhancing transparency, accountability, equity, and inclusiveness. Using Afrobarometer (2015) Quality of Democracy and Governance in Kenya survey, this paper employs the probit regression technique to examine the determinants of having a successful and meaningful participation at the county level. The study finds that approval of governor's performance significantly increases the likelihood of having meaningful public participation. However, difficulty by the citizenry to influence county decision making, lack of responsive Members of County Assembly, difficulty in accessing information on county budgets, legislation, and projects, and corruption in the office of the governor, significantly reduces the probability of having a meaningful public participation in Kenya's counties.



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1. Background

Public participation is the engagement in governance whereby "people participate together for deliberation and collective action within an array of interests, institutions and networks, developing civic identity, and involving people in governance processes" (Cooper, 2005:534). The importance of public participation cannot be understated. Its contribution in anchoring democracy is significant as it ensures inclusivity and transparency in governance, as citizens and government agencies share power among themselves (Arnstein, 1969). It ensures government responsiveness to citizen needs and increases the legitimacy of government's decisions and institutions. Further, at the individual level, public participation increases patriotism, trust in public institutions, self-development, and commitment to the public good. This in turn increases social inclusiveness and social capital (Raimond, 2001).

The Constitution of Kenya 2010, Article 1 (1), vests all sovereign power to the people of Kenya. This power is meant to be expressed either directly through public participation by the citizens or indirectly through their elected representatives. In addition, the Constitution created a decentralized system of government with the primary goal of devolving power, resources and representation to the local level. This led to the creation of 47 political and administrative counties where the public would get the opportunity to participate in governance , hence citizen participation was made a national value and a principle of public service in Articles 10 (2a) and Article 232 (1) of the Constitution.

In the devolved system of government, the County Government Act (2012), Public Finance Management Act (2012), and the Urban Areas and Cities Act (2011) have called for public participation in areas of drafting new legislation, coming up with budget priorities, ensuring that public sector performance and expenditures are reviewed, and submitting grievances. In addition, county governments have been tasked with ensuring that the public gets information for public participation, set in place structures and mechanisms and guidelines for public participation, and submit an annual report on citizen participation to the County Assembly.

Public participation in Kenya's devolved system of government has had challenges, such as limited support from the political class and low levels of civic education (Kenya School of Government, 2015). However, there has been a success story in Makueni County whose public participation model has been lauded by the World Bank (2016). In its model, the county has been able to have the citizens identify their development priorities, down from the local level with the citizens being involved in the prioritization, planning and setting of the final expenditures. In

addition, the county allows the citizens to be involved in the implementation of projects.

The main goals of public participation are to inform, engage, consult, collaborate and empower the citizenry. This occurs in different ways and environments, such as government, electoral, or civil society. However, the culture in public bureaucracy is not supportive of public participation (Kathi and Cooper, 2005) but leans on standard information exchange channels such as public hearing, which most of the times is one way and not oriented to problem solving (Baker, Addams, and Davis, 2005), thus a need for transforming such culture and ensure that citizens are partners and not just clients in governance through meaningful public participation.

1.1 Statement of the Problem

The creation of a decentralized system of government by the Constitution of Kenya 2010 meant that citizens would be empowered through provision of information, and be allowed to participate in the decision making process on matters that affect their livelihoods and seek to change the developmental imbalances that have hindered the country's social and economic development in the past through enhanced transparency, accountability, service delivery, equity and inclusiveness. Article 232 (d) has guaranteed the involvement of citizens in policy making, with Article 196 (1) (b) calling on County Assemblies to facilitate public participation. Further, other legal provisions such as the County Government Act (2012), Public Finance Management Act (2012), and the Urban Areas and Cities Act (2011) have been enacted to ensure that public participation takes place in the devolved units.

The spirit of the Constitution calls not only for the public participation to take place, but for it to be meaningful so it can impact the policy making process. Unfortunately, the presence of legally binding rules for public participation has not translated into a meaningful practice. For instance, 83 per cent of Kenyans have been found to be unaware of the funds allocated to their county, with only 7 per cent aware of their County's Fiscal Strategy Paper, 16 per cent being aware of County Integrated Development Plan, and 41 per cent being aware of the county budget. This dismal performance is also related to only 38 per cent of citizens being aware of county meetings and 15 per cent attending such meetings (Transparency International, 2014). In addition, the Policy on Devolved System of Government (2016) acknowledges that the quality of public participation is low and has not been optimized due to low civic awareness by the citizenry, uncoordinated civic education, and challenge in accessing information.

It is evident that most county public participation takes place as a formality of meeting the minimum required constitutional dictates (Judicial Review Miscellaneous Application 61 of 2014), thereby undermining the legitimacy of public participation as envisioned in the Constitution. This practice may make the public perceive such public meetings as hollow rituals (Adams, 2004). Therefore, should this lack of meaningful public participation persist, the spirit of the new constitution of ensuring that the citizens are involved in governance through public participation and the promise it holds will not be realized. Need therefore arises for an investigation of what are the determinants of meaningful public participation in Kenya's devolved units.

1.2 Objectives

The main objective of this study is to investigate the factors that determine public participation in Kenya counties. The specific objectives are to:

- Examine the factors determining meaningful public participation in Kenya's counties
- (ii) Determine the level of influence of the determinants of meaningful public participation in Kenya counties

1.3 Research Questions

The research will be guided by the following questions:

- (i) What are the factors determining meaningful public participation in Kenya's counties?
- (ii) What is the level of influence of the determinants of meaningful public participation in Kenya counties?

1.4 Justification

Ensuring public participation is in line with Article 232 (1)(d) of the Kenya Constitution 2010, that provides for the participation of people in policy making and (f) that calls for transparency through provision of timely and accurate information to the public. In the same spirit, the Public Finance Management Act 2012, Section 207 calls on county governments to establish structures, mechanisms, and ways to ensure citizen participation. In cognizant of this, the Kenya Vision 2030 seeks to have an open and participatory political process through increased participation of women in economic, social, and political

decision-making of the country, and ensuring civic education programmes are conducted with the purpose of ensuring an informed and active citizenry. Further, the political pillar of the Kenya Vision 2030 provides for equal citizenship rights and equality of participation in major policy decisions in a bid to create social equity and offer opportunities to the poor and marginalized where issues affecting them can be channelled into public policy.

In addition, the political pillar of the Medium-Term Plan II seeks to have "a people-centred and politically-engaged open society" (Medium Term Plan II: 107) through enhanced public participation and respecting devolution and the Constitution. Therefore, in this regard, this paper contributes to the Government's efforts of ensuring that public participation effectively takes place at the county level (Policy of Devolved Government, 2016) by investigating the factors determining meaningful public participation and their level of influence. Moreover, the findings will fill the literature gap in the scanty literature on public participation in counties in Kenya.

2. Literature Review

2.1 Theoretical Literature

Theoretical debates surrounding public participation have been concerned with the legitimacy and usefulness of public participation, and the ensuing challenges of designing tailor made process to their particular context (Quick and Bryson, 2016). Sherry R. Arnstein's (1969) "Ladder of Citizen Participation" determines the scale of public participation in the public policy making processes. Her departure is that the different levels of public participation are based on the distribution of power and the role that individual citizens have. Through the use of power, Arnstein (1969) defines participation as "the redistribution of power that enables the 'havenot' citizens, presently excluded from the political and economic processes, to be deliberately included in the future" (Arnstein, 1969: 216).

Arnstein's (1969) theoretical underpinnings have remained important in shaping meaningful citizen participation. She posits that unless the citizens are given a genuine opportunity to influence decision making, then the participation just becomes a process that is merely concerned with 'therapy' and 'manipulation' of the participants. Therefore, it is important for citizens to have power in public participation. Hence, Arnstein (1969) conceived power in public participation as a

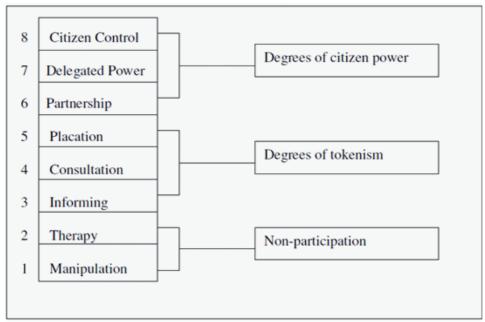


Figure 2.1: Arnstein's ladder of citizen participation

Source: Arnstein (1969: 217)

ladder of eight rungs that starts with 'degrees of non-participation' to 'degrees of citizen power' as shown in Figure 2.1.

The bottom rungs of the ladder represent lack of participation and entails manipulation and therapy. The middle rungs constitute the informing, consultation, and placation, which are termed as 'tokenism' as the public is allowed to participate but only to the extent of airing their views but with no influence in the decision-making. Lastly, the top three rungs which include partnership, delegated power, and citizen control are described as 'citizen power' and constitute meaningful public participation where citizens can fully influence the policy making process. Thus this paper is based on Arnstein's (1969) Ladder of Citizen Participation for, through the rungs, one can be able to identify citizen's level of satisfaction and influence with a public participation process to determine how meaningful it is.

2.2 Empirical Literature

Citizens perceived level of influence in public decision making, has been used to describe their level of participation in government decision making process, with low levels of participation being attributed to low perception of their influence in governance (Schlozman, Verba, and Brady 2012). According to McComas (2003), citizens' willingness to attend public participation meetings was associated with their perceptions that their ideas would go along in influencing the decision making. Same findings do hold for Williamson and Scicchitano (2014) whose results showed that citizens would not attend public meetings if their input was not appreciated and incorporated in decision making.

Whiteley (1995) found that individuals' feelings about the level of their influence in public decision making at group level was associated with how the elected officials viewed their contributions. Elsewhere, Yang and Pandey (2001) observe that the level of public participation is associated with the likelihood that the information gathered goes to influence public decision making, an exercise which brings about legitimacy in the representative process between the public and government representatives.

Leighley (1995) criticizes the "standard socio-economic model" of political participation that emphasizes that citizen's socio-economic status and civic orientation are key predictors of citizen participation. The model posits that an individual with higher socio-economic status is more likely to participate than the others. Leighley (1995) critiques this view and argues that it ignores the role that mobilization plays in public participation.

Cooper and Bryer (2007) posit that to transform administrative units of the government for more public participation, there is need for leadership. The leadership calls for orientation of public administrators in helping them engage citizens as partners and not clients and as important stakeholders in governance (Handley and Howell-Moroney, 2010).

Adoption of progressive laws has been associated with adoption of positive policies (Orey et al., 2006). This has been measured by the democratic composition of local legislature and party make up in addition to their responsiveness to citizen needs (Daley, 2008). This political culture in turn affects the level of public participation as cultures that seek to adopt progressive laws are more likely to encourage public participation (Ebdon, 2000).

Beyle (1968) measured institutional determinants by using gubernatorial powers in its appointment powers, tenure potential, and personal powers. This comes from their performance and willingness to place certain legislative powers and support mechanisms that would lead to more and better public participation initiatives in their jurisdictions. Herian (2011) argues that this performance and professionalism of the governor may lead to professionalism of other local institutions and hence more open public participation.

Ebdon and Franklin (2006) study on citizen participation in government budgeting identifies four elements that influence participation as being low turnout, focus on minimum legal requirements, lack of representativeness, and the process occurring at the end of the decision-making. Irvin and Stansburry (2004) posit that these elements do threaten the legitimacy of the process. In addition, Ho and Coates (2002) study on how to legitimize performance measurement as a decision tool showed that public input in budget making does provide government officials with important insights and subsequently can increases political support for elected officials.

Berry, Portney and Thomson (1993) contend that political culture influences public participation. They find that a strong motivation to ensure that successful participation and ensuring that the participation is devoid of partisan politics brings about a high level of public engagement. Their findings were reinforced by Fagotto and Fung (2009) who posit that public participation is used more often and successfully when the conveners have political authority and are able to look into the results of the process and in return share authority with the public in the decision making. Further, Nabatchi and Amsler (2014) observe that political culture may be affected by professional expertise, officials' attitudes toward the public, and citizen's attitudes towards the government.

To ensure that the public feels that they are able to influence decision making, Gastil (2008) calls for deliberative communication that is two-way in nature and is oriented towards problem solving, which "aim to arrive at a decision or judgment based on not only on facts and data but also values, emotions, and other less technical considerations" (Gastil, 2005:164). This process would ensure that every participant has equal opportunity to speak and listen to the views of the other participants. Further, according to Amsler and Speers (2005), the conveners should have a communication strategy for assisting the attendees and the entire community in understanding the process, how they can be involved, and the ensuing results from their input.

In reference to public meetings and hearings, Adams (2004) observe that citizens are only given a small amount of time, normally two to three minutes, to air their opinions and there is no room for dialogue between the citizens and the officials. Therefore, communication ceases to being deliberative and becomes a one-way dissemination of information to the public and becomes a forum for responding to questions rather than initiating dialogue (McComas, 2003a). In addition, such forums have been criticized for "adversarial formats, overly technical presentations, minor impact on ensuing decisions, and unrepresentative audiences biased toward agency-driven objectives and against those of potential public participants" (McComas, 2001b: 38).

In measuring the individual impact of public participation, Kihl (1985) while analyzing 36 public meetings and hearings on proposed highways found that frequent participants exhibited less frustration on the issue than those who did not participate frequently. However, in contrast to this study, McComas (2003b) studied two public meetings on landfills and found that only 41 per cent to 44 per cent were satisfied with the meetings as most participants felt that their attendance made no difference. Further, McComas (2003a) did another study of the two meetings and found that there was a high level of satisfaction among the participants and non-participants if they had high expectations of the meeting, thought that the meeting will provide useful information and open discussions; and saw the conveners as being legitimate.

To have a successful public engagement, elected officials, especially local legislators should be responsive to public needs. However, McComas (2001b) assert that some government officials consider public meetings as active democracy while others see it as doing more harm than good. These findings have been confirmed by Hagelskamp, Immerwahr and Hess (2013) who posit that the elected officials see the public as being uninformed, disengaged, and distrustful and thus no need to engage them.

Well-structured deliberative public participation has been shown to produce high quality engagements especially in a diverse environment (Black, 2012), thereby reducing problems of marginalization, exclusion, and inequality (Sui and Stanisevski, 2012). However, Shapiro (2002) fear that such meetings may lead to group polarization, leading to either group taking a hard stance on an issue. While there is evidence of research on polarization, such evidence is only for political discussions and there is no empirical evidence on deliberative public engagement on socio-economic issues (Collingwood and Reedy, 2012).

Empirical evidence also shows that the success of deliberative public participation increases the participants feelings of commitment and responsibility for their community, build and strengthen relationships between policy makers and the general public, encourage innovative and tailor-made solutions for the community's problems, and strengthen collaboration between organizations and ensure the creation of new organizations to create collaboration (Kinney, 2012).

In the era of web 2.0, online deliberations have been taunted as the best complement or even substitute for face-to-face deliberation (Davis and Chandler, 2012). In their study, Davis and Chandler (2012) found that online deliberations are easy and cheap to set up. However, their main disadvantage is disruptions and the digital divide in many communities. Their findings also showed that a deliberative behaviour can only be fostered if the process is facilitated and structured; text-based deliberations encouraged more participation and longer contributions, however, but it did not foster mutual understanding or change anyone's opinion; and anonymous contributors lowers accountability on what they say thus reducing the success and satisfaction levels of public participation.

Astrom and Gronlund (2012) meta-analysis study of determining the success rate in online participation found out a high rate of failure across all conditions of participation. However, they found out that online deliberations did succeed in engaging more participants when there was random selection of participants as opposed to self-selection; deliberation takes place during the decision-making phase; when real deliberation instead of expression of preference took place; and both online and offline channels were used together. When these conditions were met, failure rate was below 22 per cent compared to when not met which was 56 per cent and 64 per cent. In addition, they employed multivariate logistic regression, which found that democratic intentions, elements of consultation design, and rigorous research did contribute to success. These findings, according to Hagelskamp et al. (2013), are not surprising as local officials are hesitant in using online media.

The Institute of Economic Affairs (2015) report titled: Review of Status of Public Participation and County Information Dissemination Frameworks: A Case Study of Isiolo, Kisumu, Makueni, and Turkana Counties reviewed the status of public participation and the available county public participation and information frameworks in the four counties. Using key informant interviews and secondary sources such as the Kenyan Constitution to review the legal framework, the study found that Kisumu County had decentralized structures for public participation at Ward and Sub-County levels with the appointment of Ward and Sub-County Administrators, thus enabling participation at the grassroot levels. The study also found that public meetings were held quarterly. The Members of County Assembly (MCAs) and the Governor organize the meetings. The findings also showed that in places where the MCAs took part in the organization, they excluded participants with differing views, showing that the MCAs were not responsive to public needs. The study also found that the County did not have a Public Participation Policy and lacked civic education programmes, which led to low attendance in the meetings.

In Turkana County, the study found that public meetings were held on a quarterly basis. Citizens were allowed to pick projects that they thought would benefit them. However, such decisions were not binding to the County Executive. This shows how helpless the citizens are in influencing decision making. In Isiolo County, the public received information on already predetermined projects that were to be initiated and thus there was no opportunity for the citizens to engage the leaders on the projects they felt were meaningful to them. Further, the County had not initiated any mechanisms for civic education.

Makueni County had civic education and public participation mechanisms contained in its Handbook on Civic Education, with the role of civic education and public participation being assigned to the County Executive Committee member in charge of Devolution and Public Service. In addition, the Public Participation office has been established to ensure that there is coordination and the public is well educated to effectively participate. Further, the County has trained 990 trainers of trainers on public participation from the community members with the Teachers Association Union of Makueni; Transformational Education Initiative; and Makueni Churches and Pastors Associations being contracted to facilitate civic education and ensure public participation takes place.

2.3 Overview of Literature

The theoretical and empirical literature have brought to the fore the importance of meaningful public participation. The reviewed literature finds that citizen empowerment, political will, access to information, ability to influence the policy making process, responsive leaders, performance of elected leaders, and adoption of progressive laws associated with the adoption of positive policies as determinants of high-quality and meaningful public participation.

However, in Kenya, the available studies at county level have looked only at the status of public participation focusing at the available structures and frameworks put in place to facilitate citizen engagement. Therefore, this study seeks to bridge this evident gap by examining these factors and their level of influence in ensuring meaningful public participation at the county level.

3. Methodology

3.1 Analytical Framework

Meaningful public participation, unlike usual public participation whose sole purpose is to meet minimum legal requirements, calls for citizenry access to information that is relevant to policy making, ability to hold their leaders into account, influence decision making, enhance transparency and accountability, and ensure pressing social concerns are addressed. Therefore, when meaningful public participation takes place, citizens are fully satisfied with it, meaning that the process is successful and has achieved its constitutional objective of impacting policy making.

Meaningful public participation at the county level is taken as a binary dependent variable whose value is one (1) if there is meaningful public participation, or zero (0) if otherwise. While this study recognizes the fact that the analysis can be done through Linear Probability Method (LPM) or logit model, the two methods bear some weakness. LPM, which is similar to Ordinary Least Squares (OLS) regression has a weakness as it has heteroskedatic error term that leads to biased estimates with its fitted probabilities lying outside the 0-1 range. On the other hand, logit model assumes that the error term follows a standard logistic distribution, whereas the probit model has a cumulative normal distribution. Therefore, probit model is more favoured due to the normality of the error term and the properties of normal distribution (Wooldridge, 2012:586). Therefore, the study adopts a probit maximum likelihood estimation technique. Therefore, the outcome that participation is meaningful takes the binary outcome defined as:

 y_i = 1 If $y_i^*>0$ if i^{th} individual experiences presence of meaningful public participation

 $y_i = o$ If $y_i^* \le o$ if i^{th} individual experiences lack of meaningful public participation Probit model assumes that the probability that y_i^* depends on a vector of observed variables x_i , which can be represented as:

$$y_i^* = \beta_j x_i + \mu_i \tag{1}$$

Where y_i^* as response variable for meaningful public participation with β_j being the parameters to be examined, x_i representing the explanatory variables, and μ_i being the error term which is normally distributed. Therefore, the above equation represents binomial probabilities of standard normal cumulative density, where

$$Pr(y=1) = Pr(y^*>0) = P(\beta j, x_i)...$$
 (2)

$$Pr(y=o) = Pr(y*\leq o) = 1 - P(\beta_i, x_i)$$
 (3)

As the regressors X_i X_n are indicator variables, we seek to get the marginal probability effect of x_i as follows:

$$x_i = p(\beta_J x_{1i}) - p(\beta_i x_{0i})$$
(4)

3.2 Econometric Model Specification

From the above derived analytical framework, we expand equation (1) to estimate our variables of interest $(X,...,X_n)$ as follows:

$$\begin{array}{lll} & y_i^* = \beta_o + \beta_1 corr_govoff + \beta_2 c_dm + \beta_3 resp_mca + \beta_4 perf_mca + \beta_5 perf_\\ & gov + \beta_6 inf + \beta_7 c_mtg + \varepsilon \end{array} \tag{5}$$

Where:

Table 3.1: Variables

 y_i^* = meaningful public participation

 $corr_govoff$ = corruption in the office of the Governor c_dm = difficulty in influencing county decisions

 $resp_mca$ = responsive MCA

perf_mca = performance of the MCA
perf_gov = performance of the governor

inf = difficulty in accessing information on county budgets,

legislation and project plans

c_mtg = attendance of county government meetings

 ε = Error term

 $\beta_1 \dots \beta_{n_2}$ = coefficients of the estimated parameters

3.3 Data Sources and Definition of Variables

This study uses the Afrobarometer (2015) Quality of Democracy and Governance in Kenya survey. The survey had a sample size of 2,397, which was made up of a sample universe of Kenyan citizens who were 18 years or older. The sample design was nationally representative, random, clustered, stratified, and multistage area probability sample. In addition, the surveys stratification was Kenya's 47 counties with the place of residence being both urban and rural.

Dependent Variable

Meaningful public participation

Using Afrobarometer's (2015) survey, the study assumes that the dependent variable, overall satisfaction with public participation at the county government

reflects the best measure for measuring how meaningful public participation has been in Kenya's counties. The variable is obtained from the Afrobarometer survey question: "Overall, how satisfied are you with public participation in the operations of your county government?" the individuals response ranged from: 1= Not at all satisfied; 2= Not very satisfied; 3=Fairly satisfied; and 4=Very satisfied.

From the individuals' response, we construct a binary dependent variable with the value one (1) representing satisfaction or meaningful participation if the respondents' response was "fairly satisfied", or "very satisfied". Value zero (0) was assigned to represent lack of satisfaction or meaningful participation if the respondent was "not at all satisfied", or "not very satisfied".

Independent Variables

Influencing county decisions

Low levels of public participation have been attributed to low perception of the level of influence that the public can have in the governance process (Schlozman, Verba and Brady 2012). Citizens have been found not to attend public meetings if they felt that their input was not appreciated or incorporated in the decision making process (Williamson and Scicchiato, 2014). From the Afrobarometer (2015) survey, the respondents were asked: "Thinking about public participation as enshrined in the Constitution; how easy or difficult would you say it is: To influence County decision making?" the response was: 1=Very easy; 2=Easy; 3=Difficult; and 4=Very Difficult. Therefore, we hypothesize that:

H_o: Difficulty in influencing county decision making process decreases the likelihood of meaningful public participation

Responsive Members of the County Assembly

For a meaningful public engagement to take place, elected officials, notably the local based legislators who have grassroots networks, should be highly responsive to public needs, which comes from deliberative communication instead of a one-way communication. The Afrobarometer (2015) survey asked the following: "Local government councillors listen" o=Never; 1=only sometimes; 2=often; and 3=Always. We therefore hypothesize that:

H_o: Non-responsive Members of County Assembly decreases the likelihood of meaningful public participation

Performance of Governor and of Members of County Assembly

In transforming the public administration for more meaningful public participation, there is need for well performing leadership (Cooper and Bryer, 2007). This leadership is meant to engage the citizens as partners and not clients in the governance process (Handley and Howell-Moroney, 2010) and previous findings show that successful public participation takes place when the conveners have public authority and can influence the decision making. Therefore, we use the performance of Governors and MCAs to measure their influence in ensuring meaningful public participation, for they are mandated by the Constitution to undertake this role. Using the Afrobarometer (2015) survey, the respondents were asked the following: "Do you approve or disapprove of the way the following people have performed their jobs in the past twelve months? Your County governor, your local government councillor" the responses for the two separate questions were: 1=strongly disapprove; 2=Disapprove; 3=Approve; and 4=strongly approve. Thus from the preceding literature, we hypothesize that:

 H_0 : A well performing Governor increases the likelihood of having meaningful public participation

H_o: A well performing MCA increases the likelihood of having meaningful public participation

Access to information on county budgets, legislation and project plans

County governments have been tasked with ensuring that the public gets "information, data, documents and other information relevant or related to policy formulation, implementation and oversight" (Public Participation Guidelines, 2016:2), with Article 35 of the Constitution guaranteeing the right to access of information by the citizens. Further, the County Government Act sections 94, 95, and 96 calls on the counties to establish mechanisms for ensuring citizens access information through the use of media channels with the widest public outreach. Thus, access to information is crucial in ensuring that meaningful public participation takes place. Using data from the Afrobarometer (2015) survey, the question of interest was: "Thinking about public participation as enshrined in the new constitution, how easy or difficult would you say it is: To access information on county budgets, legislation and project plans" with the response being: 1=Very easy; 2=Easy; 3=Difficult; 4=Very difficult.

Hence we hypothesize that:

H_o: Difficulty in accessing information on county budgets, legislation and projects decreases the likelihood of having a meaningful public participation.

County meeting attendance

Most, if not all county public participation, takes place through face to face meetings. Thus, attendance to such meetings means that one is able to participate and provide his or her views to influence the decision making process. This variable is drawn from the Afrobarometer (2015) survey which asks: "Here is a list of actions that people sometimes take as citizens. For each of these, please tell me whether you, personally, have done any of these things during the past year. If not, would you do this if you had the chance: Attended a county government meeting?" The response was: o=No, would never do this, 1=No, but would do if had the chance; 2=Yes, once or twice; 3=Yes, several times; and 4=Yes, often. We therefore hypothesize that:

 H_{o} : Attending county meetings increases the likelihood of having meaningful public participation

Corruption in the office of the Governor

A corrupt free administration and society means that the public can trust the programmes and processes being implemented and seek to get involved in them to bring about positive change to the society. The respondents in the Afrobarometer (2015) survey were asked: "How many of the following people do you think are involved in corruption, your county Governor and Officials in his Office?" The response was: 0=none, 1=some of them, 2=most of them, 3=all of them. Thus, we hypothesize that:

 $\rm H_{o}$: Corruption in the office of the Governor decreases the likelihood of meaningful public participation.

4. Results and Discussions

4.1 Descriptive Statistics

Table 4.1: Descriptive statistics (N=1, 913)

	Proportion	Std. Err.	[95% Conf.	Interval]			
MCA's performance							
Disapprove	0.429692	0.011321	0.407644	0.452022			
Approve	0.570308	0.011321	0.547978	0.592356			
Governor's performance							
Disapprove	0.378463	0.011092	0.356967	0.400448			
Approve	0.621537	0.011092	0.599552	0.643033			
Influencing county decision							
Easy	0.085207	0.006385	0.07349	0.098592			
Difficult	0.37794	0.011089	0.356451	0.39992			
Very difficult	0.536853	0.011404	0.514429	0.559129			
Responsive MCA's							
Never	0.320962	0.010677	0.300393	0.342251			
Only sometimes	0.491375	0.011433	0.468985	0.5138			
Often	0.144276	0.008036	0.129221	0.160762			
Always	0.043387	0.004659	0.035115	0.053501			
Corruption in the office of Go	Corruption in the office of Governor						
None	0.086252	0.00642	0.074465	0.099704			
Some of them	0.563513	0.011342	0.541155	0.585615			
Most of them	0.260847	0.010042	0.241639	0.281016			
All of them	0.089388	0.006525	0.077391	0.103038			
Attending county meetings							
No	0.843178	0.008316	0.82617	0.858807			
Yes	0.156822	0.008316	0.141194	0.17383			
Accessing information on county budgets, legislations and project plans							
Very Easy	0.021432	0.003312	0.015814	0.028987			
Easy	0.096707	0.006759	0.084238	0.110798			
Difficult	0.357554	0.010961	0.336355	0.379324			
Very Difficult	0.524307	0.011421	0.501874	0.546643			

Source: Authors computation using Afrobarometer (2015) data

Table 4.1 above shows descriptive statistics of the variables under study, which have 1,913 observations. In the performance of the MCAs, and Governor, majority

approved of their performance at 57 per cent and 62 per cent, respectively, while 42.9 per cent disapproved and 37.8 per cent disapproved of MCAs performance. From the sample, 35.7 per cent found it difficult and 52.4 per cent recorded very difficult in regard to access to information on county budgets, legislation and project plans. Only 2.1 per cent found it very easy and 9.6 per cent easy. In addition, 84 per cent said they won't attend county meetings with 15.6 per cent attending one or two meetings.

The data also shows that 53.6 per cent find it very difficult to influence county decisions, 37.7 per cent difficult and 8.5 per cent easy. Further, 30.5 per cent perceived that their MCA was never responsive to their needs, 49.0 per cent reported that their MCA was responsive only sometimes, 14.4 per cent often, and 4.3 per cent thought that their local administrator was responsive all the time. Further, 56.3 per cent perceived that the Governor and some of the staff in the Governor's office were corrupt, 26 per cent perceived most of them were corrupt and 8.6 per cent perceived that none of them were corrupt.

4.2 Diagnostic Test

The underlying hypothesis is that MCAs performance, Governor's performance, access to information on county budgets, legislation, and project plans, attending of county meetings, influencing county decision making, responsive MCAs, and corruption in the office of the Governor influence public participation's outcome to be either meaningful or not.

Before undertaking the econometric analysis, tests for multicollinearity were conducted to ensure that the statistical tests of significance were valid. The Variance Inflation Factor (VIF) was employed to test for multicollinearity.

Table 4.2: Test for multicollinearity

Variable	VIF	1/VIF (Tolerance)
Influencing county decision making process	1.93	0.51836
Access to information	1.91	0.522346
MCA performance	1.60	0.623828
Governor's performance	1.54	0.648632
Corrupt governor and staff in his office	1.25	0.798189
Responsive MCA	1.25	0.801202
Attending of county meetings	1.01	0.990271
Mean VIF	1.50	

Diagnostic tests for multicollinearity in Table 4.2 above reveal the absence of multicollinearity as all variables have a VIF of no more than 1.93 and a mean VIF of 1.5, hence they all fall below the conventional levels of multicollinearity, which is a value of five or more according to Rogerson (2001).

4.3 Regression Results for Determinants of Meaningful Public Participation

Table 4.3: Average marginal effects after probit regression

Delta-method				
	dy/dx	Std. Err.	Z	P>z
MCA's performance (Ref=Disapprove)				
Approve	0.019086	0.023374	0.82	0.414
Governor's performance (Ref=Disapprove)				
Approve	0.058571*	0.023593	2.48	0.013
Influencing county decision (Ref=Easy)				
Difficult	-0.26862***	0.051838	-5.18	0.000
Very difficult	-0.36972***	0.053832	-6.87	0.000
Responsive MCA's (Ref= Sometimes)				
Never	-0.05365*	0.023481	-2.28	0.022
Often	0.024896	0.030029	0.83	0.407
Always	0.06421	0.053729	1.2	0.232
Corruption in the office of Governor (Ref=None)				
Some of them	-0.08966*	0.038425	-2.33	0.020
Most of them	-0.10726*	0.041978	-2.56	0.011
All of them	-0.13005*	0.051579	-2.52	0.012
Attending county meetings (Ref=No)				
Yes	0.014256	0.026836	0.53	0.595
Accessing information on county budgets, legislations and project plans (Ref = Easy)				
Very easy	0.040037	0.082919	0.48	0.629
Difficult	-0.06484	0.043429	-1.49	0.135
Very difficult	-0.10618*	0.045461	-2.34	0.020
*** p<0.01, ** p<0.05, * p<0.1				

Table 4.3 presents results of the marginal effects of the political determinants of public participation in Kenya's counties.

Influencing county decision making

For citizens who find it difficult and very difficult to influence the County decision making compared to those who find it easy, the probability of having meaningful public participation decreases by 26.8 per cent and 36.9 per cent if it is difficult and very difficult, respectively, to influence the decision making. Thus, we fail to reject the null hypothesis and assert that difficulty in influencing county decision making process does decrease the likelihood of having meaningful public participation. This finding conform to literature (Williamson and Scicchiato, 2014) in the sense that the public do not want to participate in activities where their input is not appreciated or incorporated in decision making.

Responsive Members of the County Assembly

From the regression results, when Members of the County Assembly are never responsive to citizen needs compared to when sometimes they are responsive, the probability of having a meaningful public participation decreases by 5.3 per cent. We therefore fail to reject the null hypothesis and conclude that non-responsive Members of County Assembly decreases the probability of having a meaningful public participation. A logical explanation for this finding may be attributed to their grassroots connections and mobilization ability, which is an important factor in public participation and may be detrimental if not well exploited through deliberative communication instead of a one-way communication.

Governor's performance

Hypothetically, Governor's performance is associated on the outcome and success of a public participation process. From the average marginal effects of Governor's performance in Table 4.3 above, for Governor's performance when it is approved by the citizens compared to when it disapproved, it can be inferred that citizens' approval of the county executive performance increases the probability of having meaningful public participation by 5.8 per cent. Therefore, we fail to reject the null hypothesis and affirm that a well performing governor increases the likelihood of having a meaningful public participation. These findings conform to literature, for a meaningful public participation to take place there is need for a well performing leadership, which in turn brings legitimacy to the process

Transparent Governor and officials in the office of the Governor

From the regression results, when some of them, most of them, and all officials in the office of the Governor are transparent compared to when none is transparent, it can be inferred that when some of the officials in the Governor's office are corrupt, they reduce the likelihood of having meaningful participation by 8.9 per cent; when most of them are corrupt the probability is reduced by 10.7 per cent and 13 per cent when all of them are perceived to be corrupt. Therefore, we fail to find enough evidence of rejecting the null hypothesis and affirm that a corrupt Governor and county official in his office decreases the likelihood of meaningful public participation. This conforms to literature, for a corrupt free administration is trusted and public engagement is successful if citizens trust that their views will be implemented and influence the decision making for the good of their society.

Accessing information on county budgets, legislations and project plans

For a meaningful public participation to take place, the citizenry must have access to information, with Article 35 of the Constitution guaranteeing the right to access of information by the citizens. From the regression results, when it is very difficult to access information on county budgets, legislations and project plans compared to when it is easy, the likelihood of having a meaningful public participation decreases by 10.6 per cent. Thus, we reject the null hypothesis and assert that difficulty in accessing information on county budgets, legislation and projects decreases the likelihood of having a meaningful public participation.

5. Conclusions and Policy Recommendations

5.1 Conclusions

To achieve the goal of a decentralized system of government as envisioned in the Constitution of Kenya 2010, the element of empowering the citizens through being allowed to participate in decision making requires a public participation process that is meaningful and not one whose sole purpose is meeting the required minimal constitutional and legal requirements. Such meaningful public engagement would redress the developmental imbalances that have hindered the country's social economic development and bring an era of transparency, accountability, enhanced service delivery, equity, and inclusiveness.

This study empirically explored the determinants of having a meaningful public participation in Kenya's counties. Employing Afrobarometer (2015) Quality of Democracy and Governance in Kenya survey, the study found that: difficulty in influencing the county decision making decreases the likelihood of having meaningful public participation; difficulty in accessing information on county budgets, legislation and projects decreases the likelihood of having a meaningful public participation; MCAs non-responsiveness decreases meaningful public participation; a performing Governor increases the likelihood of having a meaningful public participation; and corruption in the office of the Governor reduces the likelihood of experiencing meaningful public participation in the counties. Therefore, these findings provide the need for policies that will address the gap between meeting minimum legal requirements of public participation and having a meaningful public participation that actualizes the spirit of new Constitution.

5.2 Policy Recommendations

The study's findings lead to the following policy recommendations:

- Ensure that legislation that pertains to public participation are enacted through the County Assemblies, including putting into place mechanisms and structures that support public participation as required in the County Government Act 2012.
- 2. MCAs and County executives should organize public participation meetings in a way that allows deliberative communication that is two way and oriented towards problem solving, unlike meetings that resort to answering questions and the organizers give no room for dialogue. This change of tact will allow citizens to influence decision making and make them partners and not clients in governance.

- 3. Members of the County Assembly should be aware of their grassroot support and what that means for meaningful public participation. Therefore, as stipulated in the Constitution, they should be heavily involved in organizing, mobilizing, and ensuring that the public's views are heard and incorporated in decision making.
- 4. The County Executive should continue taking a leading role in public participation by providing leadership to legitimize the process and increase the citizens' confidence in the process.
- 5. Operationalizing the Public Participation Guidelines (2016) that calls on the counties to ensure that the public get access to information that is relevant and related to the oversight and policy making process of the county, and in addition meeting the County Government Act sections 94, 95, and 96 of ensuring that media outlets with wide public outreach are used in this activity. Further, for the citizens with limited knowledge to understand the complexities of such information, civic education should be conducted to ensure their constitutional right of having access to information that affects their livelihoods is not denied.
- 6. Design and implement a framework for monitoring and evaluating the effectiveness of county public participation processes

5.3 Future Research

Further investigation and understanding of the determinants of meaningful public participation in the devolved units in Kenya will provide a clear direction for policies that would be geared towards achieving the spirit of the Constitution of Kenya 2010, and bring about a "people-centred and politically-engaged open society" (Medium Term Plan II: 107). Therefore, future research should employ a new dataset that captures other determinants not addressed in this study.

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Appendices

Appendix Table 1: Correlation matrix

	MCA_ perf	Gov_ perf	Infl_ cdm	Resp_ mca	Corr_ offgov	Mtg_ Attnd	Diffct_ info
MCA_perf	1.0000						
Gov_perf	0.4744	1.0000					
Infl_cdm	-0.0861	-0.09	1.0000				
Resp_mca	0.3751	0.2618	-0.0583	1.0000			
Corr_offgov	-0.2823	-0.381	0.1271	-0.2664	1.0000		
Mtg_Attnd	0.0113	0.0164	-0.0611	0.0615	-0.0151	1.0000	
Diffct_info	-0.0773	-0.0684	0.6831	-0.0553	0.0899	-0.0431	1.0000

MCA_perf =mca's performance; cm_attemd=attend county meeting; corr_level=corruption level; listen_mca=responsive mca; govn_perf= governor's performance; diffct_cdm=difficulty in influencing county decision making; diffct_info=difficulty in accessing information; corr_offgov=corrupt governor and officials in governor's office

Source: Author's computation using Afrobarometer (2015) data

Appendix Table 2: Measures of fit for probit of meaningful public participation

Log-Lik Intercept Only:	-1075.307	Log-Lik Full Model:	-973.751
D(1710):	1947.502	LR(22):	203.113
		Prob > LR:	0.000
McFadden's R2:	0.094	McFadden's Adj R ² :	0.067
Maximum Likelihood	0.110	Cragg & Uhler's R ² :	0.155
R2:			
McKelvey and Zavoina's	0.179	Efron's R ² :	0.117
R2:			
Variance of y*:	1.218	Variance of error:	1.000
Count R ² :	0.721	Adj Count R ² :	0.097
AIC:	1.154	AIC*n:	2007.502
BIC:	-10811.903	BIC':	-38.956

Source: Author's computation using Afrobarometer (2015) data



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