

Public Participation in the Budget Process During the Covid-19 Pandemic: An Assessment of Challenges and Strategies Employed by Selected Counties in Kenya

Elly Ochieng Ndiao
Africa International University
Nairobi, Kenya
elly.ndiao@aiu.co.ke

Abstract

The COVID-19 pandemic has had far-reaching impact at individual, household, community, national and international levels. Specifically, the pandemic has adversely affected public participation due to the restrictions of physical meetings and other measures introduced to curb the spread of the virus. This paper sought to document the effects of these restrictions on public participation in the budget-making process by counties in Kenya and to analyse the various strategies they adopted in their conduct of public participation. The study was based in two counties of Kiambu and Kajiado and the respondents were purposively sampled amongst a volunteer group of county government officials as well as members of the public who had participated in budget forums in the financial year 2020/2021. The study engaged 38 respondents who participated in a survey that used questionnaires to collect data as well as 8 key informant interviews using an interview guide as well as Focus Group Discussions. The results of the study show that the COVID-19 restrictions and other public health guidelines had a negative effect on the attendance of the participants; representation/inclusion of participants; cost and size of venues of the meetings; duration of the meetings; mobilisation of participants; moderation/facilitation of the forums and participants' access to information. The study also found that the two counties had resorted to several strategies to conduct public participation amidst the restrictions including having scaled-down physical meetings, enhanced use of social media, soliciting for written memoranda from members of the public, use of local administrators, employing online platforms as well as using video-conferencing platforms like Zoom and Google Meet. The study recommends that county governments should utilise a combination of strategies to engage with members of the public and invest more in modern information and communication technology to engage with members of the public during various public participation forums.

Key words: Covid-19, Public Participation, Budgeting, Public Health Restrictions, Counties

Introduction

According to the UNDP (2020), the Covid-19 pandemic has had significant effects on the economic, political, social and health systems of many countries, Kenya included. The pandemic, which has lasted for over two years since it was first detected in Wuhan Province of China, has had adverse effects on individuals, households, communities, countries, and the entire international community with all the nations of the world having recorded cases of the disease. Globally, one of the processes of public governance that has experienced significant disruptions is the conduct of public participation (Falanga, 2020).

Kenya registered its first case of Covid-19 on March 12th, 2020, which was around the same time counties in Kenya were engaging public participation in the formulation of the budget for the financial year 2020/2021 (KNBS, 2020). Public participation is a key requirement in the budget-making process in Kenya and has been entrenched in the Constitution and various legislations of parliament (KSG, 2015). Without public participation, the process is considered illegal and in one county (Kiambu) in the year 2015, where a litigant proved that the legal provisions were not met, the whole Finance Act was nullified (Kenya Law Review, 2015).

Statement of the Problem

The public health measures established to curb the spread of the virus included banned or restricted public gatherings, restricted movements such as the imposition of curfews and the introduction of social distancing protocols as per Table 1: This brought about several challenges in holding public hearings which is the main mechanism used by counties (and even the national government) in engaging with the members of the public during various public participation forums especially in the budget process. Consequently, counties have had to adapt and find various ways to undertake public participation while at the same time adhering to these public health protocols.

Table 1: Summary of the Containment Measures by the Ministry of Health

“Maintain a distance of at least 1 meter (5 feet) between yourself and anyone who is coughing or sneezing”
“Persons with a cough or sneezing should stay home or keep a social distance, but avoid mixing with others in a crowd”
“Suspend all public gatherings, meetings, religious crusades, games events etc.”
“Government and businesses to encourage staff to work from home; except essential services”
“We encourage as much as possible, that persons stay at home unless on essential business”
“Restaurants are to remain open but only for purposes of facilitating take away services. This is meant to secure the social distance requirement”
“We have suspended learning in all our education institutions with immediate effect.”
“Where possible, government offices, businesses and companies are encouraged to allow employees to work from home, with the exception of employees working in critical or essential services”

“Minimize attendance to social gatherings including weddings and funerals, and restrict the same to immediate family members”

“Nationwide overnight curfew will come into effect on Friday, March 27, between the hours of 19:00 to 05:00 (local time) to prevent further spread of coronavirus

Source: MOH Website

Objectives of the Study

The study sought to establish the effects of the COVID-19 pandemic restrictions on the participation of the members of the public during the budget preparation for the financial year 2020/2021. It also sought to identify the strategies put in place by counties to cope with these challenges in their conduct of public participation process in a manner that meets the basic requirements for effective public participation.

Background Information

The COVID-19 pandemic has resulted in several challenges and precipitated changes in the ways governments engage with their constituents (Hassan & Megantara, 2021). One of the key areas where such changes have been observed in Kenya is in the conduct of public participation especially the public hearings (citizen forums) which have been the main mechanism employed by county governments in the budget process (ICPAK, 2015; IGRTS, 2018). Public hearings have been noted to have several advantages. They are relatively cheap to hold, easily meet the legal threshold and often have a psychological effect on the participants that they have been heard (Fiorino, 1990). But they have also come under sharp criticism for being non-deliberative and amenable to manipulation by the political class and the elites, with a final view often not representative of the majority but the loudest and most active (Rowe, 2004). Moreover, empirical studies have shown that the views of the public shared during such forums generally hold limited impact on the final decisions of the authorities as they are presented as suggestions and not binding on the authorities (Ronoh & Kurgat, 2018).

For these forums to be effective, several conditions must be achieved beyond adhering to the constitutional and legislative guidelines. These include participants' recruitment, competence, representativeness as well as facilitation to attend and meaningfully engage during the forum (Ebdon, 2006). Specifically, the number of forums held, the number of people who have participated and their distribution across the political polity in question and the number of views received is foundational both for the legitimacy and authenticity of any public forum (IGRTC, 2018; MoDP, 2016; KSG, 2015).

It is these variables that influence effectiveness of public hearings that were adversely impacted by the public health protocols announced by the Ministry of Health. In a study on the impact of COVID-19 on public participation of special interest groups (youth, women and PWDS) in Kisumu County, commissioned by the local NGO Mzalendo Trust, it was found that the measures had significant implications on public participation, especially by the special interest groups (SIGs) (Mzalendo Trust, 2020). Specifically, the study concluded that the COVID-19 had strongly affected opportunities for public participation due to meeting limitations (Mzalendo Trust, 2020, p.10). This is corroborated by what has been found in Europe where a report on citizen participation during the COVID-19 pandemic noted that “participatory practices have also been affected by the restrictions imposed under the Covid 19 pandemic” (Falanga, 2020, p. 3)

In a policy brief by SPAU (2020) on the socio-economic impact of COVID-19, the authors assert that “on the political front, the COVID-19 pandemic would disrupt the timeline of the Building Bridges Initiative (BBI) process and the political processes around it due to restrictions on public gatherings” (SPAU, 2020, p.19)

Theoretical Perspectives

In seeking to explain the importance and nature of public participation, several formulations have been put forward by various scholars but generally, public participation finds its basis within the broader participatory theory which has been applied to several disciplines: governance, development, and communication amongst others. Participation as a theory has been discussed under two broad perspectives; namely, the normative view and the instrumentalist view.

The normative view of participation sees participation as an end in itself. In this view, people’s participation in development is to be seen as their democratic right (Nabatchi & Leighninger, 2015) and therefore the right thing to do apart from any other perceived benefits of involving the citizens. Racelis (1994) has reinforced this view by asserting that participation is a basic need if development is understood as a process of social transformation that is aimed at enhancing people’s creative faculties and growth as human beings and not merely supplying their material needs. According to this theory, people’s participation is a democratic requirement that is necessary for creation of a better society (Matlosa et al., 2008). Without public participation, democracy is meaningless, and therefore people’s participation should be pursued as a policy objective and implemented as widely as possible in democratic societies (Creighton, 2005).

The assumption behind this view is that participation is an empowering endeavour through which people gain the relevant skills, knowledge, and experiences to take greater control of their lives. Participation as a right has political ramifications for it is concerned with “structural relationships and the importance of developing people’s capacities and skills to negotiate and to seek resources and changes which they require in order to improve their lives” (UNDP, 2002, p. 5).

The instrumental view of participation on the other hand, sees participation not as an “end” but as “a means to an end”, i.e., a strategy to securing some greater goals (Paton, 1960). Proponents of this view have pointed out a raft of positive ends (outcomes) of people’s participation in development and governance. This perspective asserts that participation engenders fairness and justice as the voices of those marginalized are brought to the surface by their participation (Arnstein, 1969). It also lends legitimacy to public decisions as public planners can show that there was extensive input into the decision by the concerned (Laurian & Shaw, 2009). Another important goal of participation according to this theory is that it increases responsiveness of governments to its citizens (Innes, 1996). Generally, participation has been noted to accrue several instrumental benefits including the fact that it tends to “strengthen democracy, community trust and confidence, effectiveness of solutions, deal-making among competitive interests, efficiency of expenditures, and public accountability” (Falanga, 2000).

Methodology

This study was part of a larger study on public participation and resource allocation by county government in Kenya targeting nine counties, but this paper is

based on fieldwork done in the two counties of Kajiado and Kiambu. It used a qualitative study design and used data from both primary and secondary sources. The respondents were purposively sampled amongst a volunteer group of County Government Officials (both County Executive and County Assembly), and members of the public who had participated in budget forums in the financial year 2019/2020. The study was conducted in Kiambu and Kajiado counties and respondents were drawn from both the rural and urban segments as tabulated below:

Table 2: Details of respondents of the study

County	Category	No. of Respondents
Kajiado	County government officials	4
	Members of the public	18
	Focus Group Discussion	5
Kiambu	County government officials	4
	Members of the public	20
	Focus Group Discussion	6
Total		57

As can be seen from the table, the respondents were varied, ranging from county government officials from the two counties as well as members of the public who participated in the budget forums, including Focus Group Discussions (FGDs). The purpose was to get both the perspective of the planners of these forums as well the participants' in order to get different views which would give a more complete view of the effects of the pandemic.

Socio-Economic Characteristics of the Respondents

The findings below indicate that male (65%) participants in the survey were significantly more than female (35%) participants. With regards to the respondents' level of education, the results indicated that 36.8% of the participants had attained diploma education, 34.2% had attained first degree, 26.3% had completed Form Four, while 2.6% had attained master's degree qualifications. The respondents also answered a question on their average monthly earnings and the results showed that that 27% of the respondents earned 10,000-19,999 KSH; 21.6% earned below 10,000 KSH; 16.2% earned between 20,000 and 39,999 KSH. Only 2.7% of the respondents earned above 50,000 KSH. Finally, concerning the age of the respondents, the results revealed that the average age of the respondents was 35 years. The youngest participant was 22 years and the eldest was 65 years.

Study Findings

Findings on Effects of the Pandemic on Public Participation Methods

To understand the effects of the COVID-19 pandemic restrictions on the participation methods during the budget preparation for the financial year 2019/2020, a

qualitative analysis of the information provided by the respondents was done and the findings of have been clustered around key themes that emerged from the respondents as below:

Table 2: Effects of COVID-19 on Public Participation

Key themes on effect of Covid-19 pandemic	Participants' explanation of the effect
Effect on participation method/mechanism	In many instances public face-to-face forums/meetings were stopped altogether and other methods adopted like using online and digital tools. The meetings had to be shortened to ensure that people did not spend too much time together as this was seen as a means of curbing the likelihood of spread of the infection.
Effect on participants' mobilisation/recruitment	Face-to-face methods of recruiting participants like home-to-home announcements by local administrators' announcements in churches/mosques and funerals and <i>barazas</i> could not take place due to social distancing rules.
Effect on management and coordination of the forums	Many venues for the forums that were once used like hotels and halls were closed. Moreover, social distancing rules meant venues had to be large enough to accommodate those who came according to the spacing specifications. This increased the cost of renting venues.
Effect on participants' preparation	It affected access to information since much of the information was being shared online and not hard copies, not having a smart phone by some members of the public restricted their access to budgetary information compared to when they were given booklets during pre-pandemic seasons.
Effect on participants' representativeness	The number of participants were affected. Social distancing limited the number of people participating as follows: <ul style="list-style-type: none"> • The organisers deliberately limited the number of participants to adhere to the regulations • Members of the public feared gatherings could expose them to the virus • The moving of the meetings to subcounty or county headquarters introduced time and cost limitations which also limited the number of participants • The reduction in numbers due to social distancing rules also negatively affected the extent of representation of the various social groups • The older people (above 58), having been identified as at higher risk, were unwilling to

	attend public forums because of their vulnerability to the disease.
Effect on interaction mode of the forum	As opposed to in-person meetings where participants have a chance to ask questions and seek clarification, this time the information was shared with the public online without the benefit of explanation as would be the case in physical meetings.

Source: Field data.(2021)

The effects of COVID-19 on public participation are numerous and can be categorised in several ways. The first effect relates to the holding of face-to-face public meetings which in many instances were discontinued altogether or redesigned to comply with social distancing guidelines for example by reducing the duration of such meetings to not more than two hours. In addition, mobilisation of participants to attend the forums was interfered with as the protocols restricted public gatherings like in funerals, churches and public *barazas* (public meetings) where information on upcoming budget forums is usually passed to the public. Moreover, the local administrators who would usually move from house-to-house sensitising and mobilising people were not encouraged to do so due to the possibility of spreading the disease. In-person physical meetings (public hearings) are the most common mechanism of conducting public participation meetings in Kenya (ICPAK, 2014) and the fact that COVID-19 interfered with having such forums meant that fewer people participated in the forums.

The pandemic also affected participants' representativeness which is a key requirement for meaningful and effective public participation (Rowe, 2005). As highlighted above, the organisers deliberately limited the number of participants to adhere to the regulations. To achieve this, they either moved the meetings to subcounty or county headquarters thus making attending such meetings more costly to attend or they invited specific people in their capacity as representatives of various local groups like CBOs. Members of the public (especially those above 58 years) feared that attending public gatherings could expose them to the virus given their vulnerability to the disease. The reduction in numbers due to social distancing rules therefore negatively affected the extent of representation of the various social groups in two ways: First, the low numbers reached during the forum affects the level of participation. According to literature, one of the aspects of representativeness of any forum is the aggregate number of people who attend (Ebdon & Franklin, 2004). Generally, the fewer the number of people in attendance, the more the likelihood that the group in attendance does not represent the diversity of the groups within the area. The limitations due to age and distance worked the same way in the sense that some of the groups were left out or only marginally represented in the process.

The level of preparation of the citizens to engage in the budget process was also affected as information sharing was disrupted especially in the rural areas with low numbers of people who have access to smartphones and internet connectivity. The pandemic necessitated that budget information was being shared online and not in hard copies. This restricted access to budgetary information which customarily is shared as booklets during the forums. It is widely acknowledged that access to timely, relevant, and comprehensive information, shared in a user-friendly fashion, is one of the building blocks of effective citizen participation (Gitegi & Iravo, 2016; IGRTC, 2018; Rowe & Frewer, 2004).

Finally, the pandemic affected the planning, coordination, and moderation of the budget forums. The pandemic led to closures of most of the venues (hotels and halls) which were being used for such forums while at the same time the cost of venues that were still accessible became more expensive due to the spacing specifications as per social distancing guidelines. Counties were very careful about the cost of conducting public participation forums because of budgetary constraints and anything that increases the costs stands in the way of having a sufficient number of forums. More significantly, as opposed to in-person meeting which is more deliberative as participants have a chance to ask questions and seek clarification (Laurian & Shaw, 2009), participation through online limits this aspect of the process with the attendant implication of having a one-way information flow which does not encourage robust discussions and consensus building necessary to prioritise needs by the citizens during the budget forums. This was captured in the comment by one of the respondents in the study who stated that, “Citizens are unable to make enquiries or ask questions from the duty bearers.”

Findings on strategies adopted by counties to address these challenges posed by the restrictions

The second objective of the study was to analyse the strategies adopted by counties to address the challenges posed by the restrictions on the conduct of public participation forums. The findings on this question were clustered around key themes that emerged from the respondents and is presented as below:

Key themes on strategies adopted by counties during public participation	Explanation of how the strategy was implemented
Redesigning of face-to-face public meetings	This was achieved by inviting representatives of the various group of people and not everybody. Also, the meetings were upscaled to sub-county/county levels where the numbers were easier to control.
Enhanced use of social media and online/digital tools	Social media platforms like WhatsApp, Twitter, Facebook became key means of mobilisation and sharing of documents and gathering comments from the public. Video-conferencing platforms- Although this mode was used sparingly due to high cost of buying bundles, it was used especially Zoom and Google Meet. The counties used emails for receiving the public inputs as well as website both to post budgetary information as well as to solicit feedback from the citizens.
Supplementary methods	Written memoranda- Individuals and groups presented written memoranda and presented them either physically at county government officed or sent them through emails Use of Templates/forms. These would be sent on email for participants to fill and either returned by

email or dropped at the ward, sub-county or county offices.

Ward administrators (representing county executive) and Ward managers (representing county assembly) received views from the public and passed them to the respective county administrators

Source: Field data (2021).

The two broad strategies adopted by the two counties were to redesign face-to-face meetings to comply with restrictions and guidelines and to upscale the uptake of e-participation forums. These two strategies were supplemented by the use of written memoranda and templates as well as enlisting the services of the local administrators to pass the information to the relevant authorities.

In-person face-to-face meetings were either discontinued altogether or significantly scaled down in line with social distancing rules. This was done through capping the number of possible attendees as well as reducing the duration of such meetings. In addressing these challenges, the counties resorted to the submission of written memoranda, forms/templates filled and returned to the county offices or information passed through the local administrators. During a focus group discussion one of the participants stated that:

We worked with ward administrators to pass the information. The template was sent to members of the public on a soft copy. They were to print and fill and give the ward administrator to bring to the sub-county office.

This finding agrees with the findings of Mzalendo Institute (2020) in Kisumu County which revealed that face-to-face meetings for public participation reduced drastically and accounted for only 6% of the mechanisms used to engage the citizens. Covid-19 has led to increased uptake of e-participation tools included the enhanced use of emails and websites for both soliciting views and sharing budget information. This finding concurs with the findings on a study in Indonesia regarding the impact of Covid-19 in public participation in environmental impact assessment where it was shown that Covid-19 acted as booster in accelerating the use of information, communication technology (Dwivedi et al., 2020). Most of these tools were already in place but not maximumly deployed.

In addition, the two counties made substantial use of social media sites including Facebook, WhatsApp and Twitter. According to Pflughoeft and Schneider (2020), utilising social media for public participation is advantageous because it has the potential of enhancing inclusivity in the public participation process by overcoming some of the challenges like distance and accessibility posed by the more traditional mechanisms such as face-to-face public meetings.

Finally, video-conferencing applications like Google Meet and Zoom featured prominently in the study. This is again corroborated the Mzalendo study cited above where WhatsApp accounted for 6%, online Zoom 33%; with a combination of Face to Face and online Zoom meetings accounting for 55% of all tools used by Kisumu County to conduct public participation. This trend of enhanced reliance on online and other digital tools for engaging the public has been noted in other countries as well as demonstrated in a wide-ranging review of public participation in Europe during the pandemic which saw a greater use of “digital platforms, apps and hotlines” (Falanga, 2020, p.7).

Conclusion

This study sought to assess the effects of the COVID-19 pandemic on public participation fora in the budget-making process by counties in the FY 2020/21 as well as analysing the various strategies adopted by these counties in their conduct of public participation in the wake of the restrictions in the two Counties of Kajiado and Kiambu counties of Kenya. The study established that the pandemic affected the attendance size; representation/inclusion of participants; cost and size of venues of the meetings; duration of the meetings; mobilisation of participants; moderation/facilitation of the forums and participants' access to information. The study also revealed that the two counties had resorted to several strategies to conduct public participation amidst the restrictions including: having scaled-down physical meetings, enhanced use of social media, soliciting for written memoranda from members of the public, use of local administrators, employing online platforms as well as using video-conferencing platforms like Zoom and Google.

Recommendations

The study recommends that county governments should reduce their reliance on the use of face-to face physical meetings as such forums are affected whenever the occurrence of human and natural calamities restricts gatherings. While currently it is the COVID-19 that has been the challenge, other disruptive occurrences like floods and epidemics are likely to occur in the future and prevent people from physical meetings. The experience of the pandemic should be a learning opportunity for county governments in contingency planning in the event such incidences reoccur. Moreover, counties should invest more and enhance their use of information and communication technology to engage with members of the public during public participation in the budgeting forums. Although most counties have this information communication technology (ICT) tools and infrastructure in some form or fashion, they are either inactive or underutilised. But as the study shows, and is the practice in other jurisdictions, citizen participation in the future will increasingly make use of ICT tools.

References

- Arnstein, S. R. (1969). A Ladder of Citizen Participation. *Journal of the American Institute of Planners*, 35 (4), 216–224.
- Ebdon, C and Aimee F. (2004). Searching for a Role for Citizens in the Budget Process. *Public Budgeting and Finance*, 24 (1): 32 – 49.
- Falanga, R (2020). Citizen Participation during the COVID-19 Pandemic: Insights from Local practices I European cities, Friedrich-Ebert-Stiftung (FES)
- Fiorino, D. J. (1990). Citizen participation and environmental risk: A survey of institutional mechanisms. *Science, Technology, & Human Values*, 15(2), 226–243
- Gitegi, C and Iravo, M (2016). Factors affecting public participation in effective devolved governance in Kenya. A case study of Uashin Gishu County. *The strategic journal of business and change management*, 3(4).1303-1324.
- Hasan, A and Megantara, E (2021). The Public participation shifting of Environmental Impact assessment during Covid-19 Outbreak. *E3S Web conference, 4th International Conference on Sustainability Science (CSS2020)* Vol 249.2021. <https://doi.org/10.1051/e3sconf/202124901009>
- ICPAK. (2014). ICPAK 2014 Annual Report. ICPAK.

- Innes, J. (2004). Planning through consensus building: A new view of the comprehensive planning ideal. *Journal of the American Planning Association*, 62(4), 460–72.
- Kenya School of Government. (2015). Building public participation in Kenya's devolved government (Series 1) [Government of Kenya]. Government of Kenya.
- Kenya National Bureau of Statistics: Survey on Socio-economic Impact of COVID 19 Report. 15th March 2020
- Laurian, L. & Shaw, M. M. (2009). Evaluation of public participation: The practices of certified planners. *Journal of Planning Education and Research*, 28(3), 293–309.
- Matlosa, K. (2008). Consolidating Democratic Governance in The SADC Region: Transitions and Prospects for Consolidation. (NO. 36). EISA.
- Mzalendo Trust .2020. *Impact of covid 19 on public participation of special interest groups Youth, women & persons with disability-PWDS*.
- Nabatchi, T and Leighninger, M (2015). *Public participation for 21st Century Democracy*. Jossey-Bass, San Francisco.
- Pflughoeft, Benjamin & Schneider, Ingrid. (2019). *Social media as E-participation: Can a multiple hierarchy stratification perspective predict public interest?.* Government Information Quarterly. 37. 101422. 10.1016/j.giq.2019.101422.
- Racelis, M. (1982). *Understanding Peoples Participation*. UNICEF.
- Ronoh, G. M., & Kurgat, A. (2018). Challenges of integrating public participation in the devolved system of governance for sustainable development in Kenya. *International Journal of Economics, Commerce and Management*, 6(1), 476–491.
- Rowe, G. & Frewer, L. J. (2004c). Public Participation Methods: A Framework for Evaluation. *Science, Technology, & Human Values Science, Technology, & Human Values*, 25(1), 3–29.
- UNDP, Survey on Socio Economic Impact of COVID 19 on Households Report. 15th May 2020: Kenya National Bureau of Statistics.
- Yogesh K. Dwivedi, D. Laurie Hughes, Crispin Coombs, Ioanna Constantiou, Yanqing Duan, John S. Edwards, Babita Gupta, Banita Lal, Santosh Misra, Prakhar Prashant, Ramakrishnan Raman, Nripendra P. Rana, Sujeet K. Sharma, Nitin Upadhyay. (2020) Impact of COVID-19 pandemic on information management research and practice: Transforming education, work and life, *International Journal of Information Management*, 55, 102211
- <https://www.health.go.ke/wp-content/uploads/2020/03/Coronavirus-Press-Statement-March-17-2020.pdf>
- <https://www.health.go.ke/wp-content/uploads/2020/03/Statement-on-Confirmed-COVID-19-Case-13-March-2020-final.pdf>