BACKGROUND

The constitution of Kenya requires public participation in all matters pertaining to public finance. This requirement was motivated by the belief that where citizens are engaged to influence decisions, there is a higher chance of arriving at a common good.

However, we observe that in practice, public participation is not realizing its promise. It is often viewed by both the national and county government as tedious, time-consuming and expensive, adding little value to the decision-making process. These negative views of participation in practice are shared by both citizens and government officials.

IBPK believes that the problem is not the constitutional requirement of public participation, but rather the ineffective way participation around the budget is organized. Since 2016, IBPK has argued that one solution to this frustration is to make participation processes more deliberative. This is anchored on the concept of deliberative democracy, which emphasizes the importance of both the government and citizens giving and debating adequate reasons for the choices we make.

ORGANIZING DELIBERATION DEMONSTRATIONS

IBPK conducted three public deliberation demonstrations in May 2017 to test out possible options for restructuring public participation in Kenya. This was done by convening day-long forums in three counties, in partnership with Uraia Trust: Mombasa, Isiolo, and Nakuru.

The three deliberations were organized around a key national budget decision made in February each year: how much money to distribute to each of the ten government sectors.¹ This decision is normally

¹ The ten sectors are: agriculture, rural & urban development (agriculture); education; energy, infrastructure & ICT; environment protection, water & natural resources; general economic & commercial affairs; governance, justice, law & order; health; national security; public administration & international relations and social protection, culture & recreation.
made in the annual Budget Policy Statement, and the law requires that the public gives its views on this document. The decision about how to distribute the budget across the sectors, which is also known as “setting sector ceilings,” is meant to be regarded as final.

Each day-long demonstration was structured in three phases:

- A learning phase
- A deliberative phase
- A decision-making phase

WHAT HAPPENED DURING THE LEARNING PHASE?

The objective of the learning phase was to equip the participants with relevant knowledge needed for making decisions on setting sector ceilings. One of the main weaknesses in current participatory approaches in Kenya is lack of information. Participants often lack a basic foundation of knowledge around making public finance decisions, and are therefore unable to give informed views. We therefore created and provided the participants with a unique information package, which comprised:

- A summarized description of the 10 sectors, including their past allocations, sources of funding, recent activities, performance, challenges, and vision in the medium term (2018/19).

- Nine factors to consider when making trade-offs between sectors, including: consideration of past allocations and performance, sector proposals for the coming year, emerging issues that might affect how much a sector needs, and a consideration of one’s overall approach to development. This last factor was also presented in the form of an oral expert address (in Mombasa and Isiolo) with further explanation of four ways to think about development.

All three demonstrations featured an interactive learning structure to create a reasonably informed public before deliberation, while recognizing the constraints of time. While IBPK predominantly dictated the structure of the learning phase in Mombasa and Isiolo, the participants in Nakuru made their own decision on the structure of this phase. In the end, the learning phases were quite similar. Participants were divided into five small groups and asked to learn about two sectors extensively. Once they were familiar with the learning materials, they shared their knowledge with other participants. In Mombasa and Isiolo, this was done in other small groups made up of participants from the initial different sector groups. In Nakuru, participants shared the knowledge they had learned in plenary. Participants were asked to look
for any surprising information about the sectors, and to think about how to justify allocating all or most of the funds to particular sectors in the year 2018/19. These exercises were designed to maximize learning, but also to help people recognize the limitations of their knowledge. One of the common pitfalls of group deliberation is the polarization that can occur when groups interpret new information in ways that confirm their prior beliefs. By forcing participants to recognize their limited knowledge of sectors on their own, we believed they would be more open and less likely to adopt extreme positions.2

We also tried to structure learning in a way that would encourage greater participation by women, often a challenge in local participation forums, particularly in rural areas. Women in some parts of Kenya often feel, or are made to feel, that they are not meant to give strong opinions in public forums. Because giving strong views is even more difficult when one is not entirely clear on the topic under discussion, we felt that we should address this problem from the learning phase. In both Isiolo and Mombasa, there was one homogeneous small group for women during the learning phase. The intention was to ensure that women learn as much as possible at the beginning of the forum to empower them for deliberations in the subsequent phases. We hoped that if women felt more comfortable in the learning phase, where they might be forced to reveal their ignorance to each other, then this would allow them to learn more effectively. We anticipated that this would encourage them to take a more active role in the deliberation stage.

To assess learning in these demonstrations, we gave the participants a pre-forum questionnaire and a post-learning questionnaire. While the pre-forum questionnaire was given in all three forums, the post-learning questionnaire was given to participants in Nakuru and Mombasa only. The questionnaires tested participant knowledge of sectors and their reasons for changing their proposals on how much each sector should receive after the learning phase.

WHAT WE LEARNED ABOUT LEARNING

Time and language were two of the principle constraints in the learning phase. In all three forums participants expressed the wish to have more time for learning. There were a few participants who were illiterate and several participants were unable to express themselves in Kiswahili and English fluently. We had to translate the content in the information package to Kiswahili from the floor, as most of our learning

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2 Some research suggests that when people are forced to acknowledge their lack of “explanatory depth” in understanding a particular area, they tend to adopt less extreme positions. See Philip M. Fernbach and Todd Rogers and Craig R. Fox and Steven A. Sloman, “Political Extremism Is Supported by an Illusion of Understanding,” Psychological Science, 24:6, 2013. Available at https://scholar.harvard.edu/files/todd_rogers/files/political_extremism.pdf
material was in English. Some translations were not entirely accurate.\(^3\) Despite these constraints, we learned the following:

1) **Before the deliberations, participants had limited knowledge of the national government sectors.**

   - None of the 106 respondents could name all 10 sectors prior to the forum.

   - Most participants in the three demonstrations were aware of at least three of the 10 sectors: 1) education, 2) security, and 3) health sectors.\(^4\)

   - Many people named sub-sectors instead of sectors and were unable to distinguish the two. We interpret this as partial knowledge of sectors, rather than deeper or more granular knowledge. Most respondents were not able to name all the relevant sub-sectors in any sector. Most participants named sub-sectors that fell under five sectors, namely: 1) agriculture, 2) energy, 3) environment, 4) social protection and 5) general economic and commercial affairs sectors. Very few participants named any sub sectors under governance, justice, law & order (GJLO) and public administration & international relations (PAIR). Participants were least aware of the GJLO sector. Only 11 participants (10 percent) out of the 106 respondents identified some sub-sectors in the sector such as police and judiciary/courts.

   - In some cases, the participants listed items that were neither sectors, sub-sectors, nor distinguishable ministries, departments or agencies (MDAs) within sectors. For example, a considerable number of participants mentioned civil servants’ salaries (wage bill) as a sector. In other cases, the participants combined sectors/sub-sectors that are distinct: for example, internal security and defense, tourism and culture, mining and natural resources, and agriculture and irrigation.

2) **Participants agreed in their pre-forum questionnaires and in face to face interviews that they were not equipped to make decisions on how much to allocate sector budgets at the**

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\(^3\) For example, in the expert address it was a challenge to translate the approaches to development such as the debate on whether the role of the government is to create a good investment climate or taking part in active ‘industrial policy’ directly supporting growth of local industries.

\(^4\) There is some doubt about what the participants in the first questionnaire meant by security. Did they mean the police only, or the police and the Ministry of Defence, or just the Ministry of Defence? A considerable number of participants mentioned security and defense as separate sectors. The national government’s national security sector includes the Ministry of Defence and the National Intelligence Service only. The police are the State Department of Interior under the governance justice law and order sector.
beginning of the forum, and would have needed more information. Such information included the wage bill, the current and past criteria for allocation to sectors, and historical allocation to sectors. Some asked for additional information which was not necessarily relevant to the decision at hand. For example, a majority of the participants would have liked information on mechanisms of participation; others requested information on debt.

3) **Participants pointed to specific things they had learned in their post learning questionnaires.** Participants highlighted some information from the learning phase that was surprising to them, and areas in which they disagreed with past allocations by the government. Some of the specific things participants highlighted as learning included:

- Approaches to development, especially the distinction between physical and social security.
- The existence of certain sectors such as the social protection, culture and recreation sector.
- Government proposals and previous allocations to each sector.
- What sectors comprise, including different ministries, departments, semi-autonomous government agencies, sub-sectors and programs within sectors.
- The importance of impact and performance in making decisions on allocation of resources to sectors

4) **The sessions demonstrated that when people learn, they often change their views.** From the pre-forum and post-learning questionnaires given in Isiolo and Nakuru, we found:

- New information led participants to change their sector allocations. On average, 87 percent, 82 percent, and 93 percent of the participants, who had comparable pre-and post-learning questionnaires, changed their allocation to the education, health and energy sectors respectively. Unfortunately, some participants did not have comparable
surveys before and after the learning phase, so these findings apply to only 55 participants.5

- As they learned more, most participants moved towards the government proposal. This was not uniformly true: a significant number moved away from the government proposal, and a small proportion did not move at all. Nevertheless, on average 55 percent of the participants who had comparable questionnaires converged toward the government proposal, while 32 percent moved away from the government proposal and 13 percent did not move at all. This suggests that government fear of public participation leading to wild or arbitrary requests is not founded. People take government proposals seriously and incorporate them into their decisions.

5) In addition to considering government views, participants also found independent expert views useful in making their proposals. In our demonstrations, we incorporated information about development in general and the sector tradeoffs that are implied by different views on what matters to development outcomes. Out of the 65 respondents who responded to the post-learning questionnaire, 46 (71 percent) said that they found the expert opinion “very useful.”

6) The effectiveness of groups consisting of only marginalized/minority interests should be interrogated further; women-only groups may help give women space to participate more effectively, but may be unnecessary in some cases, or insufficient in others. The outcome of the women-only learning group varied in Isiolo and Mombasa (we did not have such a group in Nakuru). In Mombasa, we observed that most of the women who were in the women-only learning group participated actively in subsequent discussions, whether in plenary or in other small deliberative groups. In Isiolo, we did not see women from the women-only group actively take part in subsequent deliberations. A women-only group in Isiolo was possibly insufficient to overcome gender inequities in participation.

7) The threat of domineering participants taking over deliberation is not eliminated by having participants break out into small learning groups. Our observation on the effectiveness of small groups was that empowered participants played a leadership role and provided useful knowledge for the less empowered participants. However, these empowered participants sometimes dominated discussions and prevented others from learning by intimidating them. We

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5 The post learning questionnaire was given to participants in Isiolo and Nakuru only. This was not issued in Mombasa because of time constraints.
observed that the gendered group in Isiolo, for example, was dominated by the more empowered women.

RECOMMENDATIONS (LESSONS FROM OBSERVATION AND INTERVIEWS)

1) It is important to have a distinct learning phase with clear thinking about how best to maximize learning in any deliberative forum. However, the learning continues into the deliberative phase. Participants also learn from each other’s experiences and expertise as the deliberative and decision phases continue.

2) The sector reports provided by the government should be reduced to a manageable size (3-5 pages) per sector, in order to promote more accessible learning. Longer reports may be produced but citizen-friendly versions are necessary considering the limited time available for public participation forums.

3) Sharing government proposals and information leads people to consider these proposals seriously and can therefore influence their decisions. We observed that exposure to government information can encourage participants to generate more realistic proposals, though some participants move away from government proposals.

4) One way to expand participant learning is by using experts in various fields to share their expertise with the public. Participants in our demonstrations found expert opinion very useful.

5) For effective learning, there is need for a facilitator that has knowledge of the sectors and relevant information that should go into the decision-making process and actively ensures that participants are learning by: (see video here)

• Providing information relevant for the decision at hand as well as answering questions that participants may have during and even after the learning phase. For example, the facilitator extensively explained the factors to consider when making decisions about allocation of public funds. He went on to answer questions from the floor such as when the financial year begins and when formulation stage of the budget comes to an end.

• Carefully structuring the learning phase to promote learning by all persons in the room and not just a vocal minority. The facilitator (adhering to a facilitator script) organized the
participants into small learning groups of eight where participants were to learn extensively about two sectors, with the task to teach their colleagues in other groups about those two sectors. He then reshuffled these groups into groups of ten, asking every participant to present to others about the sectors they had initially studied. This ensured that participants were engaged throughout the learning phase.

- Dispelling misleading statements or misrepresentations. For example, the facilitator pointed out that contrary to the belief of the majority of the participants, the police fall under the national security sector, or public administration and international relations as opposed to the governance, justice, law and order sector (under the State Department for Interior).

6) Learning in small groups is a preferential to ensure that participants who would otherwise not actively participate have an opportunity to interact with the material better. However, there is still a risk that those who are more knowledgeable dominate the process. Caution should be exercised to ensure that all participants have a role to play and thus have an incentive to participate in the learning and subsequent phases. The facilitator should ensure the domineering participants are managed by structuring the learning process to encourage everyone to take part, supervising the process, and actively encouraging all participants to speak, especially where there is need for clarification.

7) Participants should be given an opportunity to have a personal interaction with the material given for information. We observed a majority of participants preferred and requested time to read and appreciate the content provided individually, before discussions with their group members.