



MZALENDO



IMPACT OF COVID 19 ON PUBLIC PARTICIPATION OF SPECIAL INTEREST GROUPS

YOUTH, WOMEN & PERSONS WITH DISABILITY-PWDs

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ACRONYMS AND ABBREVIATIONS

ADP	Annual Development Plan
CBEF	County Budget and Economic Forum
CBO	Community-Based Organization
CBROP	County Budget Review and Outlook Paper
CFSP	County Fiscal Strategy Paper
CIDP	County Integrated Development Plan
COK	Constitution of Kenya
CSO	Civil Society Organization
FBO	Faith-Based Organization
IPOA	Independent Police Oversight Authority
KII	Key Informant Interview
KNBS	Kenya National Bureau of Statistics
MCA	Member of the County Assembly
NGEC	National Gender and Equality Commission
NSA	Non State Actors
PWDs	Persons with Disability
SIGs	Special Interest Groups
TEAM	Transform Empowerment for Action Initiative

Executive Summary



Public participation in governance by all groups, including the Special Interest Groups (SIGs), is a constitutionally guaranteed provision. It is further refined in various legislation. It is thus expected that the input of the public would not only be sought but also incorporated by all entities of governance at both the National and County levels. The COVID-19 pandemic, whose index case in Kenya was reported on 12th March, 2020, has however had drastic implications on public participation, particularly by the SIGs, being, inter alia, Women, Youth and Persons with Disability (PWDs).

To better understand the profundity of the problem, this study sought to examine the impact of the COVID-19 pandemic on public participation in governance by the SIGs, with particular focus on Kisumu County. More specifically, the study sought to examine the level of involvement of the SIGs in the decision-making processes in the County Government of Kisumu during the COVID-19 Pandemic (both the Executive and County Assembly); effectiveness of the participation of the SIGs in the decision-making processes; challenges faced by both the SIGs and supporting entities in securing effective participation of the former and adopted measures to address the identified challenges impeding effective participation of the SIGs.

The study adopted a mixed design approach, being a synthesis of both qualitative and quantitative aspects. Data sources was from both primary and secondary sources. The former included information from purposively sampled Key informants; duty bearers from both the Executive and the County Assembly of Kisumu, locally-based Community Based Organizations (CBOs) and Civil Society Organizations (CSOs) representing and advocating SIGs-related issues. Further primary data sources included government official records. Secondary sources, on the other hand, included press publications and organizational reports.

The study also generally established that, even before COVID-19 pandemic, Kisumu County was already struggling with realization of genuine and effective public participation. However nearly all the

duty bearers (Over 90%) interviewed noted that there was a stark difference between the current administration and the previous administration in pushing for enhanced public participation among all stakeholders. Nearly 70% of the non-state actors interviewed however, felt that there is low level of involvement of the public and realization of genuine public participation. Radio and WhatsApp came out as the two most combined modes of engagement in the current period at 54%. There was a general feeling that the County Government has done poorly towards enhancing participation of the SIGs despite the existence of a robust legal framework at the county level. Kisumu County has domesticated and enacted Public Participation Act in addition to other national policy guidelines on public participation. To enhance Public participation, there is a general feeling that there is a need to enhance online engagements in an inclusive manner that will include the SIGs.

1.0 Background

Kenya announced its COVID-19 index case on 12th March 2020. The announcement occasioned unprecedented interruptions to the hitherto entrenched political, economic and social modus operandi. Not long after the announcement of the first case, President Uhuru Kenyatta announced a raft of measures aimed at containing the spread of the virus which then, as now, wreak havoc to operations. Among the initial measures included closure of all institutions of learning and suspension of international travels, particularly arrivals from 'any country with reported cases'.¹ Progressively, additional interventions were taken that only served to cause further disruption. In late March 2020, the President announced the imposition of 'a nationwide curfew from 7pm to 5am'.² In addition to health-oriented protocols, the President also announced a raft of economic measures aimed at mitigating the economic fall-out occasioned by the pandemic. They included offering '100 percent tax relief for persons earning gross monthly income of up to Sh24,000'.³ Social safety provisions were made to particularly cushion the most vulnerable members of the society. Specifically, the President ordered the '(A)ppropriation of....Sh10 billion to the elderly, orphans and other vulnerable members of the society through cash-transfers by the Ministry of Labour and Social Protection'.⁴

Despite the interventions, challenges have been witnessed during the period. Their manifestation spans all the spheres of life; political, economic and social. Politically, institutions of governance have adopted response mechanisms that have appeared to compromise optimal justice delivery. The suspension of both the national and sub-national Legislatures created an oversight, representation and legislative lacunae. Their highly controlled gradual resumption affected, among others, public participation in the law-making. Restriction of physical meetings, hitherto the most preferred medium

of public participation, has excluded a sizeable number of members of public and particularly those unable to afford the means to virtual alternatives. Effective accountability has been affected thanks to the disruption of oversight mechanisms. Cases of human rights violations have been reported, especially by security agencies. As of June 2nd 2020, the Independent Policing Oversight Authority (IPOA) reported that '15 people (had) been killed and 31 others injured by police officers since Kenya heightened security measures to curb the spread of the novel Coronavirus'.⁵ Economically, the pandemic resulted in the loss of means of livelihood to many people. In its survey report released in May 2020, the Kenya National Bureau of Statistics (KNBS) noted that '30.5 Per Cent of households were unable to pay rent on the agreed date with the landlord'.⁶ Further, cases of Gender Based Violence (GBV) have been noted to have increased. In the two weeks period between April 15th and 3rd May, 2020 FIDA-Kenya had received, via their toll free line, a total of 289 GBV related complaints⁷.

Though the pandemic has occasioned painful implications to various members of the public and society, the Special Interest Groups (SIGs) have been particularly hit disproportionately hard. Among other, SIGs comprise Youth, Women and Persons with Disability (PWDs). According to the National Gender and Equality Commission (NGECE), the 'special interest groups and/or vulnerable members of (the) society are most affected by the COVID-19 pandemic'.⁸ The disproportionate suffering is a function of direct and indirect factors. The former includes direct consequences such as loss of economic livelihood. The latter, on the other hand, includes institution of measures which, even though constitute part of the general response, fail to appreciate the uniqueness of the SIGs: For instance, failure to provide 'sign language interpreters during

1 <https://www.the-star.co.ke/news/2020-03-15-schools-closed-effectively-from-tomorrow/> : Accessed on 24th August 2020

2 <https://www.nation.co.ke/kenya/news/uhuru-declares-curfew-in-war-on-coronavirus-281868> : Accessed on 24th August 2020

3 <https://www.businessdailyafrica.com/economy/Uhuru-Kenyatta-announces-mitigation-measures-amid-pandemic/3946234-5504112-pgtmc/index.html> : Accessed on 24th August 2020

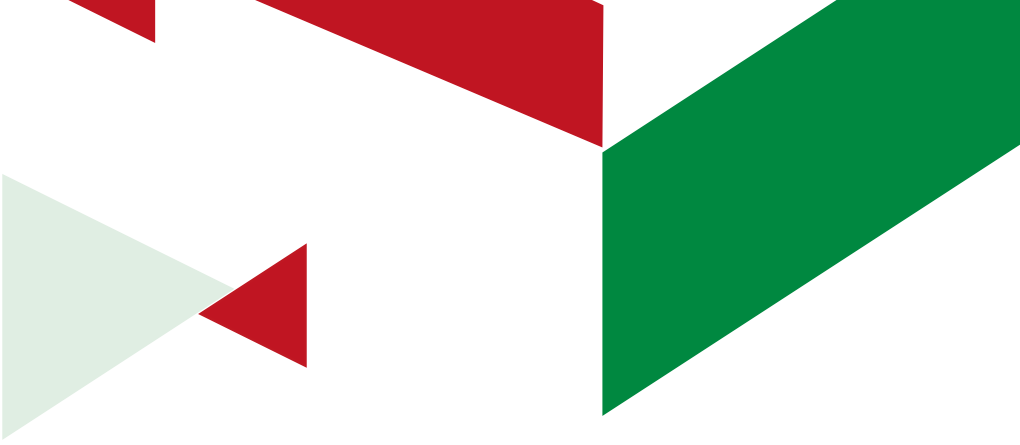
4 Ibid.

5 <https://citizentv.co.ke/news/kenya-police-have-killed-15-people-injured-31-in-covid-19-curfew-enforcement-ipoa-334522/> : Accessed on 24th August 2020

6 Survey on Socio Economic Impact of COVID 19 on Households Report; 15th May 2020: Kenya National Bureau of Statistics

7 Statistics on Sexual and Gender Based Violence Cases Reported Through FIDA-Kenya's Toll Free Number (0800 720 501) Between 15th April to 3rd May 2020. <https://www.fidakenya.org/site/press> : Accessed 24th August 2020

8 <https://www.ngeckeny.org/news/8238/covid-19--advisory-on-consideration-of-the-welfare-of-persons-in-vulnerable-situations> : Accessed 24th August 2020



press briefings to the nation⁹ hence excluding from communication persons with hearing disability.

The SIGs are facing extra challenges in multiple areas which include, inter alia, public participation in governance, in particular in the decision-making processes in the Executive and Legislative arms of both the National and County Governments. This is despite that fact public participation is anchored in the Constitution of Kenya, 2010 (COK, 2010) as one of the national values and principles of governance. Article 10 (2) of the COK provides that '(T)he national values and principles of governance include..... participation of the people.'¹⁰ It is against this background that this survey sought to secure profound understanding of the impact of COVID-19 Pandemic on the participation in governance by the SIGs (Youth, Women and Persons with Disability-PWDs).

⁹ Ibid.

¹⁰ Constitution of Kenya, 2010

1.1 Objectives of the Study

The broad objective of the study was to examine the impact of the COVID-19 Pandemic on the participation in governance by the SIGs (Youth, Women and PWDs) in the County Government of Kisumu. Specifically, the study sought to examine the:

Level of involvement of the SIGs in the decision-making processes in the County Government of Kisumu during the COVID-19 Pandemic (both the Executive and County Assembly);

Influence of the participation of the SIGs in the decision-making processes;

Challenges faced by both the SIGs and supporting entities in securing effective participation of the former;

Adopted measures to address the identified challenges impeding effective participation of the SIGs.

1.2 Study Methodology

The study adopted a mixed design approach, being a synthesis of both qualitative and quantitative aspects. Data was sourced from both primary and secondary sources. The former included information from purposively sampled informants; duty bearers from both the Executive and the County Assembly of Kisumu, locally-based Community Based Organizations (CBOs) and Civil Society Organizations (CSOs) representing and advocating SIGs-related issues. Further primary data sources included government official records. Secondary sources, on the other hand, included press publications review of various laws, researches on public participation and organizational reports on participation compiled by various stakeholders.

The Researcher worked closely with Mzalendo Trust and Transform Empowerment for Action Initiative in mapping out potential interviewees and sharing contacts where possible. A multi-stage sampling design was adopted and administered through phone interviews in the seven sub-counties of Kisumu County. This ensured outreach to both rural and urban populations as seen below in table 1 below:

No.	Sub-County	Respondents
1.	Kisumu Central	6
2.	Kisumu East	4
3.	Kisumu West	4
4.	Nyakach	5
5.	Nyando	4
6.	Muhoroni	4
7.	Seme	3
Total	30	

Table 1.1: Respondents disaggregation per sub-county

The respondents included youths, women and persons with disabilities in the categories of ordinary citizens, county government employees (Assembly & Executive) and representatives of advocacy organizations in the county.

1.2.1 Demographics of the Respondents.

As shown in Table 2 below, citizen respondents were interviewed with men accounting for 66% (20 pax) while women accounted for 34% (10 pax). The youth interviewed accounted for 20% (6pax) and Persons with Disability interviewed accounted for 13% (4pax).

Characteristics	Category	Percentage Interviewed
Gender	Male	66%
	Female	34%
Age Category	Youth	20%
	Non Youth	80%
Disability status	Yes	13%
	No	87%

Table 1.2: Demographics of Respondents

1.3 Organization of the Report

The Report is organized into the five chapters. Chapter One includes the background of the study, the objectives, methodology and summary of key findings. Chapter Two addresses the constitutional and legal framework guiding public participation. Chapter Three details the findings whereas Chapter Four gives recommendations with Chapter Five concluding.

1.4 Summary of Key Findings

The study sought to establish how COVID-19 pandemic has affected public participation of the SIGs in the decision making processes in Kisumu County so far. To undertake in depth analysis, responses from key informant interviews we thematized alongside specific objectives, namely;

The Level of involvement of the SIGs in the decision-making processes in the County Government of Kisumu during the COVID-19 Pandemic (both the Executive and County Assembly).

Influence of the participation of the SIGs in the decision-making processes.

Challenges faced by both the SIGs and supporting entities in securing effective participation of the former.

Adopted measures to address the identified challenges impeding effective participation of the SIGs.

On the level of involvement of the SIGs in decision making- processes; 57% of the respondents felt that there is a very low level of engagement of the SIGs. This was qualified by citing examples of poor implementation of the existing legal framework, poor feedbacking process among other challenges.

On Influence of participation of the SIGs in the decision making processes; 36% felt that SIG's public participation in key decision-making processes were effective to some extent. They cited cases where they have been included in some formed county groupings for specific roles, they have been mobilized or informed about a county function for their participation and or are aware of others who have been mobilized. Another 64% felt that participation has not been entirely effective.

2.0 Overview of Public Participation, Constitutional Policy and Legislative Frameworks Supporting Participation of Special Interest Groups

2.1 Constitutional Provisions on Public Participation in Kenya

The Constitution of Kenya, 2010, gives priority to public participation as part of national values and principles of governance binding all state organs at both levels of governance. Article 10 (2) of the Constitution lists public participation as a key principle of governance and spirit of public participation is mainstreamed across the Constitution. The sovereign power of the people in enhancing public participation can be expressed through direct participation or indirectly through elected representatives and appointed officers.

The threshold of public participation under the constitution expects the public/ stakeholders to participate and be involved in the legislative and other business of Legislature¹ and the executive. Similarly, Devolution as a concept in Kenya enhances public participation principles by giving powers of self-governance to the people and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them; recognizing the right of communities to manage their own affairs and to further their development and promote the interests and rights of minorities and marginalized communities².

Notably, the Constitution sets key requirements for legislatures such as the County Assemblies to provide frameworks for public participation in legislative processes. This Constitution bestows this obligation to the people's representatives at both the legislature and executive level to ensure public participation of all stakeholders. This could be realized through administrative, policy and/or legislative frameworks/procedures. County Assemblies are also required to enact legislation supporting public participation and regulations for people to exercise this principle. Additionally, part II of the Fourth Schedule of the Constitution provides powers to the County Governments to ensure and coordinate the participation of communities in governance at the local level and assisting communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the

local level.

Specifically, the Constitution provides that the marginalized, special interest groups and minorities have the right to fully participate in the integrated social and economic life of Kenya as a whole and in the counties in particular. Equality and inclusion are key priority areas in Kenya's national agenda. For example, Article 100 of the Constitution of Kenya further provides that Parliament shall enact legislation to promote representation of marginalized groups. Similarly, Kenya's Vision 2030 strategy envisages a nation where all women and men enjoy high quality life and equity. These provisions seek to empower people with special needs to reduce dependency in all aspects of society. County governments are then under obligation to enact legislations and policies that promote special interest groups and rights of minorities and marginalized communities in county development at all times including during crises such as COVID -19 pandemic.

Constitutionally, public participation is a two-way process where the government provides opportunities for citizen involvement in governance and the citizens choose whether or not to utilize these opportunities.

¹ Constitution of Kenya, Article 118

² Constitution of Kenya, Article 174 (c), (d) and (e)

2.2 Legislative Framework for Public Participation in Kenya

2.2.1 County Government Act 2012

The County Government Act, 2012, at the interpretation section provides what is meant by *the public* affirming that, when applied in relation to public participation it means: (a) the residents of a particular county; (b) the rate payers of a particular city or municipality; (c) any resident civic organization or non-governmental, private sector or labour organization with an interest in the governance of a particular county, city or municipality; and (d) non-resident persons who because of their temporary presence in a particular county, city or municipality make use of services or facilities provided by the county, city or municipality. The County Government Act further states that county governments shall ensure efficiency, effectiveness, inclusivity and participation of the people. Section 87 of the Act stipulates principles of citizen participation that should be followed by all counties in governance processes.

The principles of public participation in section 87 are key reinforce effective participation at the county level. Failure to abide with these principles can be pursued through a court of law. Modalities and platforms for public participation are also canvassed in the Act. County governments are required to develop regulations that will facilitate the establishment of structures for public participation among them information communication applicable to all stakeholders, accessible town hall meetings to all special interest groups such as PWDs, budget forums, notice boards, appointments as provided for under Article 54 and 100 of the Constitution and 30% procurement opportunities.

The threshold of the spirit of public participation under Article 10 (2) of the Constitution and section 87 of the County Government Act, 2012 requires that state organs including county governments to provide enabling environments for clear mechanism for participation and communication channels between citizens and government. County governments are hence expected to ensure that

there is public participation and also be able to coordinate the participation and to develop the capacity of the public to participate in decision making processes.


2.2.2 Urban Areas and Cities Act 2011

Public participation is further provided for under the Urban Areas and Cities Act of 2011. The Act provides for establishment of Citizen Fora as a forum for citizens systematized for reasons of participating in the affairs of a city or an urban area. The Act identifies participation of residents/ stakeholders in the governance of cities and urban areas. Active participation of residents of urban areas or a city is institutionalized in the management of the urban area and city affairs as one of the principles of governance.

The Act obligates the authorities in an urban area or city to develop a system of governance that encourages participation by residents in its affairs through creating appropriate conditions for participation in the preparation, implementation and review of the county integrated development plan (CIDP), county fiscal strategy paper (CFSP), the monitoring and review of its performance, including the outcomes and impact of its performance, the preparation of its budget and making of strategic decisions relating to the management of cities and urban areas.

2.2.3 Public Finance Management Act 2012

The Public Finance Management Act 2012 provides for public participation platforms such as the County Budget and Economic Forum (CBEF). The forum comprise of representation from different stakeholders drawn from different groups. The CBEF is a platform intended to consult with the public in the development of County Fiscal Strategy Paper, County Budget Review and Outlook Paper (BROP), Annual Development Plans (ADPs) and other matters relating to budgeting, the economy and financial management at the county level. The CBEF is the vehicle upon which public participation is implemented at the county level budgeting. Sections 125 to 136 of the Public Finance Management Act, 2012 additionally provide a framework for county budgeting and obligates the County



Executive Committee member in charge of Finance to ensure there is public participation in the budget process.

2.2.4 Kisumu County Public Participation Act 2015

Kisumu County has established a number of processes and platforms for public participation. These include the institution of further units of decentralization in the spirit of Article 176 (2) of the Constitution. Decentralized structures are cascaded to the Sub-County and ward levels.

The county has enacted Public Participation Act 2015. Section 5 of the Act establishes the Office of Public Participation which is mandated to facilitate and co-ordinate public participation in the governance of the County including the participation of communities, organizations and citizens forming the public in the decentralized units within the county. The Public Participation Office is entrusted to ensure that there are structures for public participation, inclusivity and broad spectrum of the public and not limited to the traditional sector stakeholders, provide the public with a clear context for which public participation is to be undertaken and how decisions will be made, develop an evaluation framework to the public participation plan and facilitate public education and training programmes in relating to public participation.

2.2.5 Kisumu County Disability Act 2016

Section 9-27 of the Act provides for rights and privileges of persons with disabilities. The Act also establishes Persons with Disability Fund and obligation to include people with Disability in Trade Funds. People living with disability in the county are tax exempt with 11 groups in the category getting access to over Sh1.3 million in credit accessing educational and bursaries loans.

3.0 Findings

3.1 Introduction.

In line with the overall objective, the study generally established the COVID-19 pandemic had disproportionately affected the special interest groups especially their participation in the County decision making processes. The twin tragedy of floods, following long rains that pounded Kisumu County exacerbated the adverse effects of COVID-19 to the special interest groups. The study also generally established that, even before COVID-19 pandemic, Kisumu County was already struggling with realization of genuine and effective public participation. However nearly all the duty bearers (Over 90%) interviewed noted that there was a stark difference between the current administration and the previous administration in pushing for enhanced public participation among all stakeholders. Nearly 70% of the non-state actors interviewed however, felt that there is low level of involvement of the public and realization of genuine public participation.

The report provides further details on these findings thematized alongside four key areas that were interrogated during the study to establish the effect of COVID-19 on public participation among the special interest groups. The four thematic areas include;

- The Level of involvement of the SIGs in the decision-making processes in the County Government of Kisumu during the COVID-19 Pandemic (both the Executive and County Assembly).
- Influence of the participation of the SIGs in the decision-making processes.
- Challenges faced by both the SIGs and supporting entities in securing effective participation of the former.
- Adopted measures to address the identified challenges impeding effective participation of the SIGs.

3.2 Level of Involvement of the Special Interest Groups During the COVID-19 Period.

To understand this, the study focused on the period between March 2020 to current. Respondents were requested to give their feedback in the level of involvement of the special interest groups, rating the involvement in a scale of 1 to 5 with 1 being low and 5 being Highest.

From the feedback, 57% of the respondents felt that there is very low level of engagements of the SIGs. This was qualified citing examples of poor implementation of the existing legal framework, poor feedbacking process etc. However duty bearers interviewed strongly felt that good effort has been made citing utilization of local radio channels which were efforts aimed and improving involvement of the vulnerable during the challenging times.

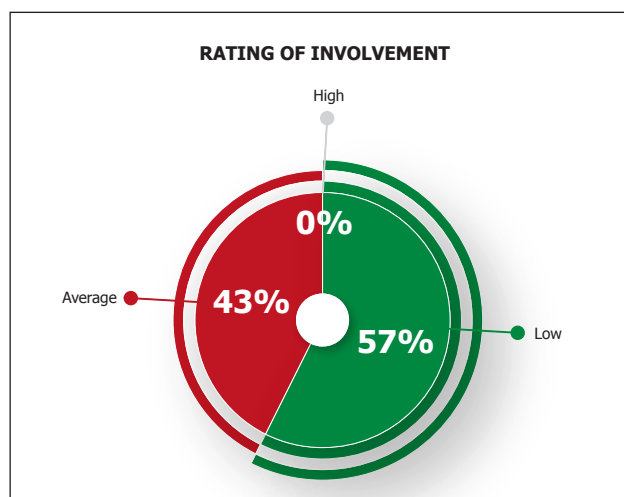


Figure 3.1: Level of involvement of Special Interest Groups on Public Participation

3.3 Influence of COVID-19 Pandemic on Opportunities for Public Participation.

All respondents strongly felt that the COVID-19 pandemic had strongly affected opportunities for public participation. Some leaders also held the view that the full effect of the pandemic is yet to be felt and is highly likely that the SIGs will be affected the worst¹. Apart from limiting opportunities due to meeting limitations, a section of non-state actors interviewed opined that the County Governments were also not doing enough to provide alternative opportunities that are sensitive to every residents are put in place.

Among the sampled participants, 36% felt that SIG's public participation in key decision-making processes were effective to some extent. They cited cases where they have been included in some formed county grouping for specific roles, they have been mobilized or informed about a county function for their participation and or are aware of other who have been mobilized. Other 64% felt that participation has not been entirely effective. Key reasons given included poor representation among the representatives of targeted SIGs especially in elective positions, poor public participation structures and no clear feedbacking process to even gauge uptake of the inputs given during such public participation instances.

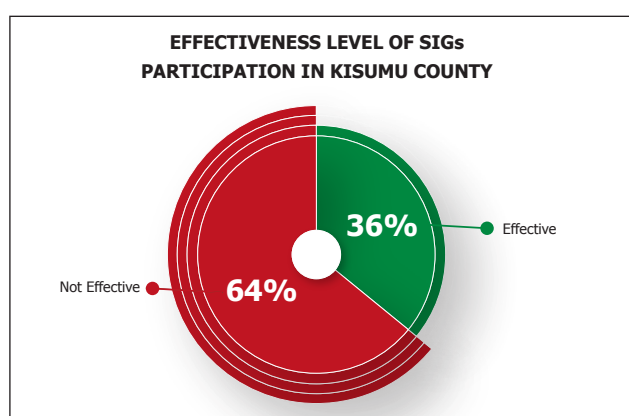


Figure 3.2: Effectiveness of SIGs participation on key decision making in Kisumu County

¹ Personal interview, Member Kisumu County Assembly, 25 August 2020.

The sources of information and the mode of public participation used during the COVID-19 period also has had a bearing on the overall influence of the public participation by SIGs. Radio (especially local radios) were utilized the most by the County Government and sharing information from County Government and participation platforms at 33% and a combination of radio and Whatsapp have been utilized the most during the COVID-19 period at 54%. Others channels of engagements have not been fully utilized for instance zoom, skype etc. due cost related aspects and lack of awareness amongst majority according to feedback by respondents.

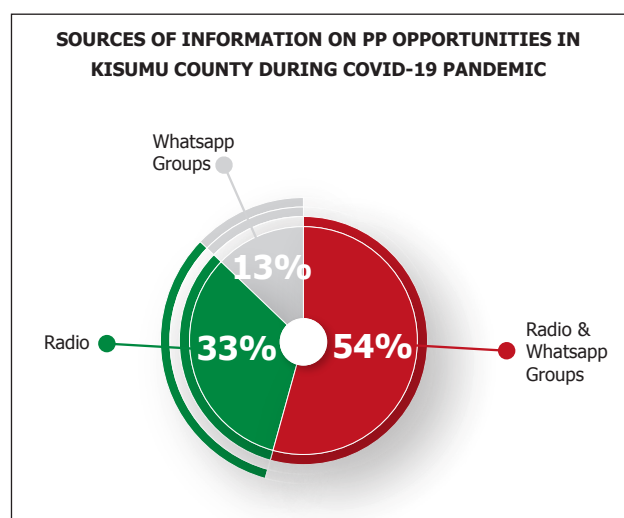


Figure 3.3: Sources of Information on PP opportunities in Kisumu County during COVID-19 Pandemic

For engagements among other actors and targeted public participation processes especially those initiated by non-state actors, zoom platform has been the most utilized platform at 33%. Other utilized mode has been limited face-to-face meetings in accordance to provided protocols by MoH. A combination of face-to-face meetings and Zoom online meetings have therefore been the most preferred modes of engagements at 55%

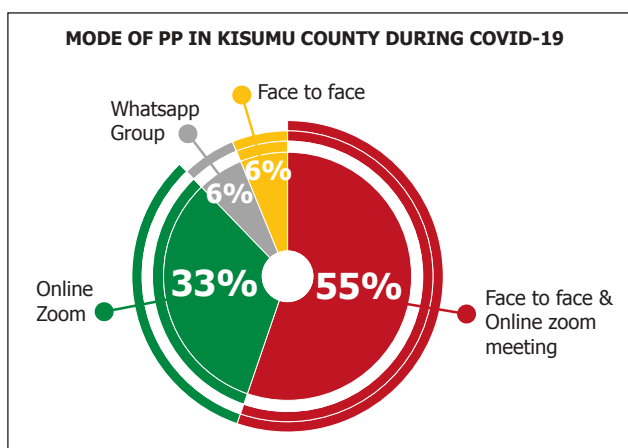


Figure 3.4: Mode of PP in Kisumu County during COVID -19

3.4 Challenges by Both State and Non-State Actors in Securing Effective Public Participation.

Respondents observed that challenges of realization of effective public participation have been largely pre-existing even before COVID-19 in Kisumu but was exacerbated by COVID-19 and further floods due to heavy rains up to around May 2020. Social distancing requirement was noted as the major reasons that was cited by the authorities that limited the numbers and effective public participation. COVID-19 also exposed the weaknesses of the County in investing in non-physical aspects of enhancing public participation for instance; county website was noted as not having much information. The County did not also prioritize other online platforms like Zoom, google meet, face-book live, skype etc. to engage with the public. Additionally, Radio platforms that were noted to have been utilized mainly focused on the local vernacular channels that excluded non-luo speaking residents of the County. The issue of cost at 33% was also highlighted as a major impediment to the SIGs participation given the adverse economic effects of COVID19 that further forced most of the population to focus on meeting the basic needs at the expense of spending resources on airtime and getting bundles for online meetings which were noted as expensive.

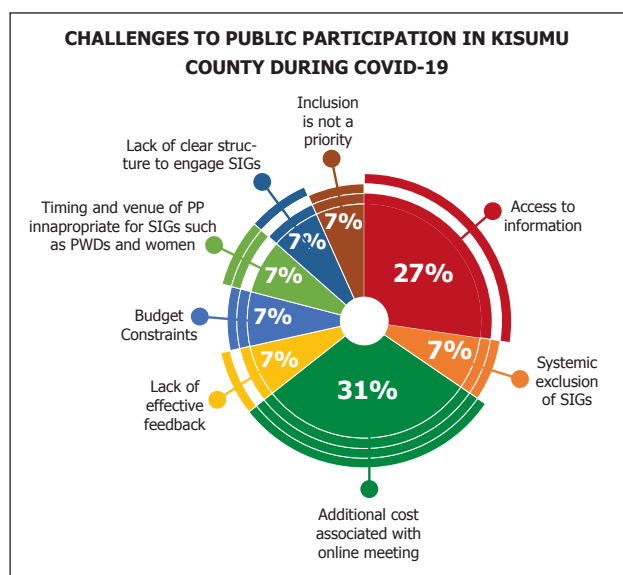


Figure 3.5: Challenges of PP in Kisumu County

Various strategies were noted to have been adopted by various stakeholders towards enhancing effective public participation. Embracing increased online platforms for engagements was noted as preferred strategic mitigation measure at 40%, this was noted as a key strategy despite numerous costs related challenges associated with high cost of bundles- especially to the vulnerable groups. Continues and improved use of radio was also noted as a preferred mitigation measure. This was particularly noted for County Government related engagements for wider catchment. Precaution was fronted on need to ensure that such radio platforms to be as inclusive as possible².

² Personal interview, Representative PWD Kisumu County, 24 August 2020.

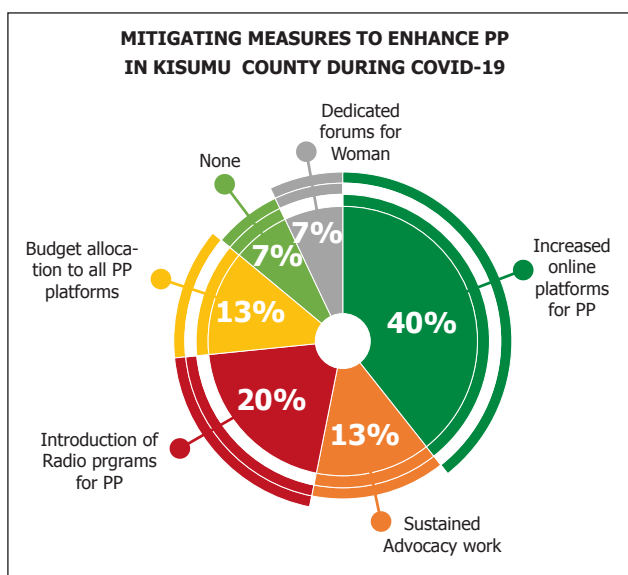


Figure 3.6: Mitigating Measures to Enhance PP in Kisumu

4.0 Recommendations

The study highlights, especially from the interviews conducted, the value attached to public participation and inclusion of all, including the SIGs, in the mainstream decision-making processes. Appreciation of such involvement derives both from the profound understanding of the guiding provision as well the consequences of failure to abide by the same. With a majority of the respondents noting low or limited involvement of the SIGs in the decision-making processes in the County Government of Kisumu, the recommendations hereunder are made to boost the realization of optimally inclusive processes. It is important to point out that the recommendations derive from the respondents directly as well intense analysis of the situation. Further, the recommendations are directed at specific duty bearers and stakeholders.

Legislature (County Assembly)

***Digital Public Participation Platforms:** With the COVID-19 having exposed the risks and vulnerabilities of sole reliance on physical-oriented platforms, the Assembly should seriously consider investing in virtual and online-oriented alternatives to ensure that all conceivable eventualities are provided for as not to ground the operations of the Assembly in all its variations, shapes and dimensions, including public participation. Deriving from the Constitution, national legislation as well county legislation, there should be acknowledgment and appreciation of the place of public participation as an inherent part of complete legislative process.

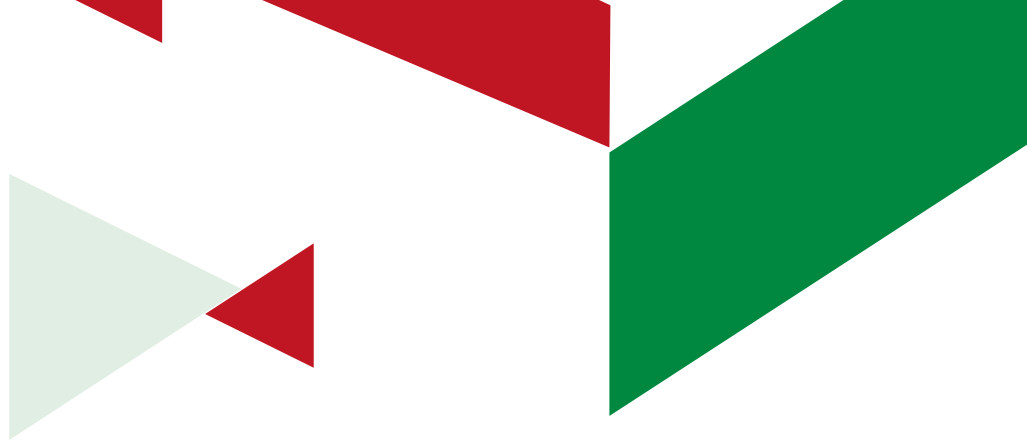
***All-Inclusive Accommodative Human and Physical Infrastructure:** The Assembly should tailor the design both of its human and physical infrastructure as to accommodate all segments of the society. One of the challenges noted was the failure by the Assembly to make provisions that allow all persons to actively and meaningfully engage. Noted in particular are persons with hearing disability, with failure to provide for sign language interpreters even though provisions are sometimes for persons with physical disability. Design should therefore as comprehensive as to ensure refined disaggregation of all the persons within the disability community; blind, deaf, persons living with albinism just to mention a few.

***Devolved Grassroots Public Participation Engagements:** One of the respondents identified, as an enduring challenge, the limitation of public participation by the County Assembly of Kisumu at the sub-county level. Engagement at that level utmost was noted to occasion 'exclusion of individuals who may be desire to participate but are limited by distance and related factors such as cost.' To address the challenge, it is recommended that the County Assembly cascades such engagements to ward levels to cover broader audience who might be disadvantaged by factors such as time and poverty.

***Effective Role Execution:** The Assembly should play its role of representation, oversight and legislation effectively to ensure optimal participation of SIGs. Through legislation, the Assembly should ensure passage of legislation friendly to the SIGs inclusion and participation. Secondly they should ensure unimpeached oversight, particularly of the allocated funds to ensure transparent and accountable use of funds as allocated, including on matters of interest of SIGs.

Executive

***Effective Implementation Through Budgetary Allocation:** Effective implementation of public participation would require budgetary allocation. Beyond the Constitution of Kenya, 2010 (COK, 2010), which through Article 10, establishes public participation as a key principle to effective governance, the County Government Act, 2012, the Urban Areas and Cities Act, 2011, and the Public Finance Management Act, 2012, all of which provide for public participation, the County Government of Kisumu has a local legislation guiding public participation at the local level; the Kisumu County Public Participation Act, 2015. Its effective implementation is however a factor of ample budgetary allocation. Beyond the direct allocation for the facilitation of public participation, deliberate effort should be made to improve the general welfare of the public economically, socially and politically.



*Professionalization of Public Participation: Politicization of public participation was cited as a big challenge affecting the effectiveness of the process. Its manifestation is partly showed in the habit by a section of the staff to choreograph the whole process by deliberately selecting the participants, most of whom happen to either be their relatives or persons close to them. The process is thus deprived of the very foundation upon which its success ought to be anchored: transparency, accountability and meritocracy. Measures should be put in place and effort made toward professionalization of the process if it is to attain the standard of inclusivity and thus yield optimal outcome.

*Development and Implementation of Special Interest Groups-Oriented Programs: The Executive should deliberately invest in programs and projects aimed at boosting the welfare of the SIGs. In the immediate term, the Executive should ensure that all planned projects factor in the needs of the SIGs; be it physical or human infrastructure. Builds, particularly those designed to facilitate public participation should provide for the needs of all, including the PWDs.

*Inclusion of the SIGs in Mainstream Governance: If the interests of the SIGs are to be grounded and entrenched, the proper place to begin would be in securing their representation and inclusion in the mainstream governance system. They should be effectively represented in both the planning and executions units to ensure that not only are they involved in the implementation but also in the planning. Their footprints should be visible in all the Ministries, Departments and Agencies (MDAs) of the County Government. In fact, deliberate effort should be geared toward establishing agencies with dedicated focus toward the affairs of the SIGs. Further, they should be involved in all the Boards and Fora such as the County Budget and Economic Forum (CBEF).

Non State Actors (NSAs)

*Establishment and Entrenchment of Partnerships and Networks: Various NSAs; Civil Society Organizations (CSOs), Community

Based Organizations (CBOs), Faith Based Organizations (FBOs), among others, should come together and create broad-based partnerships, networks and coalitions of purpose. Out of such, they would be able to create complementary synergies, effectively leverage each other's strength. Such platforms would be vital in amplifying voices loud enough to attract the attention of various duty bearers. Equally important is the fact that such partnerships would accord platform for voicing of ideas of organization(s) that may not have developed strong enough to leverage the influence that comes with such establishment. From the research, some respondents noted that part of their effectiveness and influence in engaging with duty bearers derived from their longstanding experience and establishment. It is a factor they have leveraged to effectively advocate for public friendly positions. By coming together, the established organizations would play a critical role, not only in voicing the ideas of nascent organizations and individuals, but also in nurturing them to assume a strong trajectory of their own. It is apt way of ensuring the longevity of vibrant and active NSAs.

*Empowerment: NSAs should continually invest in empowerment programs and opportunities to ensure that they are able to engage meaningfully with the duty bearers. Such empowerment programs should be broad and diverse enough to cover all areas, including those of the SIGs. Further, such programs should be vital in training keeping members abreast with the evolving governance and advocacy environment.

*Citizen Engagement: NSAs should ensure sustain engagement with the members of the public that they directly represent. That should include members of the SIGs. That way they would serve as an effective bridge between the public and duty bearers. NSAs engagement with the citizenry should involve and incorporate the elements of the broad citizen empowerment. This could be through trainings. It is through such public empowerment initiatives that members of the public would be able to engage and participate meaningfully in the decision-making processes as envisaged in the Constitution and all secondary laws. Additionally, the NSAs should

5.0 Conclusion

Summary

The Constitution of Kenya, 2010 (COK, 2010) identifies public participation as a key principle of governance. It also identifies inclusiveness as another national value and principle of governance. The provision thus envisages the involvement of all entities that constitute the entire whole of the Republic of Kenya as worthy of involving and engaging in decision-making processes. Governance is primarily anchored on the tripod of the Legislature, the Executive and the Judiciary. In the case of Kenya, it is to be found governance is found at both the National and County levels. Despite the express provision, public participation is one of the principles that have been greatly affected by the COVID-19 pandemic. Most affected are the SIGs (Women, Youth and Persons with Disability-PWD).

The level of involvement of the SIGs in the decision-making processes in the County Government of Kisumu during the pandemic has been anything but inspiring. From the study, a majority of 57% noted that the level of involvement was low, signifying the need to do more if to improve the situation. Further a whopping 64% reported that their participation did not influence decision-making processes in the County. A number of challenges were identified to have affected the effective participations of both the SIGs and their supporting entities. They include increased cost of online participation on the part of right holders, budget constraints on the part of the executive and the assembly's lack of public participation structures for special interest groups, poor/lack of access to information by the special interest groups among others.

To boost effective participation in future, a raft of recommendations has been provided to both the duty bearers and the NSAs. To the Legislature/County Assembly, adoption of digital public participation platforms, designing all-inclusive and accommodative human and physical infrastructure, devolution of grassroots public participation engagements and effective role execution have been identified as potential interventions that could secure reliable participation of the SIGs at the Legislature level. For the Executive,

mainstreaming of SIGs affairs in the budget has been recommended to be crucial. In addition, professionalization of public participation and inclusion of the SIGs in the mainstream governance have been identified as potent boosters to ensure effective participation of the SIGs. Finally, for the Non State Actors, their ultimate potency lies in their ability to join forces to create coalitions, partnerships and networks. Further, they should strive for continuous empowerment to ensure their competencies match the evolving governance environment. Lastly, they should strive to engage closely with the public, whose cause they represent and champion. That would ensure that they serve as effective bridge between the citizenry and the government.

From the study, it is clear that there is desire by the members of the SIGs to actively engage and participation in governance. From the NSAs interviewed, there is determination to champion the cause of inclusive governance. It is hoped that with the lessons from the COVID-19 pandemic, effective measures will be put in place to ensure that going forward, SIGs are mainstreamed in the governance system.

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