Uraia

Kenya's National Civic Education Programme

BECAUSE KENYANS HAVE RIGHTS AND RESPONSIBILITIES

OPEN
GOVERNMENT

What you need to know as a Citizen

more information in the public domain enables government officials to be vigilant and to ensure their own inefficiencies do not slow down project implementation

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UNDERSTANDING THE CONCEPT OF OPEN GOVERNMENT

Open Government means the following:

1 facilitating the flow of information from governments to citizens.

2 exchanging old, closed decision-making practices for a system where citizens have a right to know what their leaders are doing.

It refers to a culture of governance based on innovative and sustainable public policies and practices by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth.

It also refers to a more transparent, accessible and responsive, where information moves freely both to and from government, through a multitude of channels.

What are some of the key features of an Open Government?

- Sharing information by the government to the citizens on a regular basis

- Significant allocation of resources by the Government for effective sharing of information to all stakeholders.

- Decision makers are responsive to the needs, ideas and priorities of citizens and external bodies,

- Decision makers provide effective and accessible channels for engagement with citizens to voice

- citizens, businesses and civil society organisations have easy access to services and information,

- Citizens Have the skills and means to hold decision makers to account (without fear of repercussions)

- Citizens have regular opportunities to feed their views into policy making.

The free flow of information from government to the public (including third parties i.e Non-Sate Actors such as civil society organisations and the media) and then back from the public and third parties to government, is the key component of well-functioning open governments

What are the principles open Government?

The following are three key principles of open Government:

Transparency   **Accountability**   **Participation**

1. **Transparency**: is operating in such a way that it is easy for others to see what actions are performed.

2. **Accountability** is the responsibility for something an actor or group of actors have done or are expected to do, according to their mandate or public expectations. It includes when an individual or organization is answerable for its actions, or the lack of them. Being accountable means accepting responsibility and being prepared, if necessary, to provide evidence of appropriate conduct.

3. **Participation** the official oversight level where dedicated institutions are legally responsible for generating and in some cases disclosing information and at the public level where individual citizens have access to details on contracts involving public money.
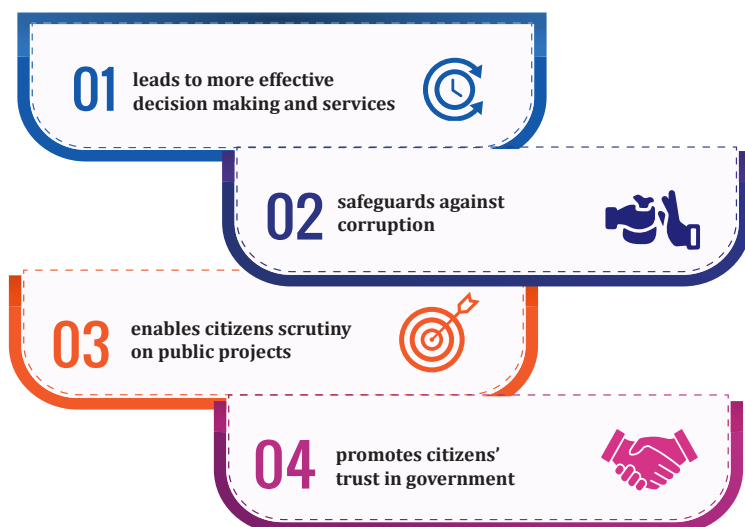
What is the importance of Open Government?

- It promotes public governance, democracy and inclusive growth

- It changes the relationship between public officials and citizens, making it more dynamic, mutually beneficial and based on trust by all parties concerned.

- It acts as tools for achieving broader policy objectives.

What are some of the Objectives for having open government strategies?

- Improve the transparency of:
  - o the public sector
  - o the private sector
- Improve the accountability of the public sector
- Improve the effectiveness of the public sector
- Improve the efficiency of the public sector
- Improve the responsiveness of the public sector to the needs of citizens and business
- Improve citizen participation in policy making
- Improve citizen participation in policymaking
- Prevent and fight corruption Generate economic growth

What is the value of Open Government?

01 leads to more effective decision making and services

02 safeguards against corruption

03 enables citizens scrutiny on public projects

04 promotes citizens' trust in government

What is the impact of transparency in Open Government?

More transparency Improves the following aspects:

Risk management-

* allows for early and better identification of challenges to projects and proposal of effective measures

Economic performance-

* it allows for better utilization of resources as the project expectations are known by citizens, so it is not easy for sub-standard work to be accepted

Bureaucratic efficiency in governments

* more information in the public domain enables the government officials to be vigilant and to ensure their own inefficiencies do not slow down the project implementation because the information and timelines are in the public domain and they know it is easy for individuals to be held accountable for non-performance

More transparency can contribute to the following:

- higher rate of gross Domestic Product(GDP) growth- GDP provides an economic snapshot of a country, and is used to estimate the size of an economy and growth rate
- reduction of incidences of corruption
- raise standards in public management and service delivery

What is the impact of more access to information to Open Government?

More access to information Improves the following aspects of Open Government:

- the knowledge that documentation will eventually be made public can be sufficient to drive up standards of decision-making and record-keeping procedures among public officials.
- publicising procurement documentation can lead to savings in public spending.

Why is transparency and access to information in Open Government important?

- Simply giving citizens the information and power to influence change around them can have a profound impact on how they perceive themselves and their role in the community, with ripple effects for the rest of society.
- A more informed and empowered public can contribute to:
  - o   more cohesive community relations,
  - o   more active and trusting citizens and
  - o   more effective public services.
- Accessibility and responsiveness measures can lead to better decisions and risk management, which in turn leads to more effective services and enhanced social welfare.
- Better access to information brings about a more active media: A more active media leads to better informed voters and politicians who are forced to be more accountable. This is because an active media keeps citizens (voters) informed of politicians' intentions and track record, thus enabling them to vote for those who provide the best deal for citizens.

What are the features of an enabling environment for an open government strategy?

A national open government strategy can only become effective if supported by an appropriate enabling environment. Its success depends on:

- **A solid policy and legal framework:** these are to set the rules, and regulation and provide rights and obligations for both the duty bearers(the government) and the right holders (Right Holders).
- **Leadership and coordination:** A government that provides leadership and effective policy co-ordination enables for the implementation of Open Government strategy .
- **Availability of resources:** A government that has adequate human and financial resources,
- **Use of Information Technology and Innovation:** Strategic use of digital government and public sector innovation tools
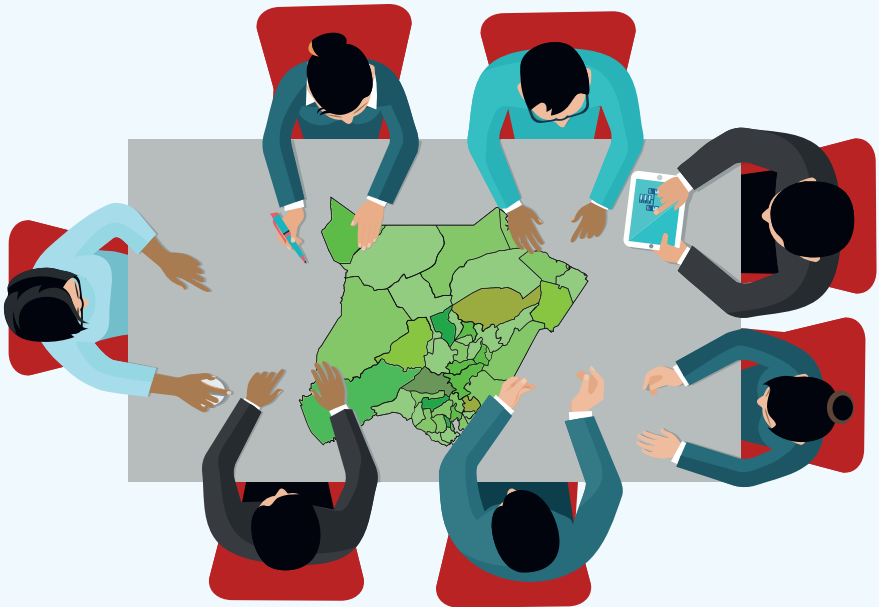
What can enhance Open Government reforms?
Open Government reforms can among others be enhanced through the existence of the following:

Policy/Law	Does it exist in Kenya (yes/No)	
1. A robust National Constitution	Yes: Constitution of Kenya 2010	Yes
2. Comprehensive Laws on access to information	Yes: article 35 Law on access to information	Yes
3. A good law on Transparency	Yes: constitution of Kenya 2010 Article 10 - Chapter 6 and Chapter 12	

Kenya as a country has all the above

- The law on Access to Information forms the backbone of open government reforms.
- The right to access public sector information is the cornerstone of an open and inclusive government and a crucial element to reduce corruption and deepen trust among citizens and their governments

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OPEN GOVERNMENT AND CITIZEN PARTICIPATION

- Involving the citizens by government has been traditionally characterized by a mere sharing of information . However, under Open Government initiative , citizens are no longer seen just as loyal recipients of government information , but rather as key stakeholders who should be involved in joint and constructive engagement in a mutual beneficial manner.

- Effective participation creates renewed attention to the mechanisms through which governments are going beyond the role of a simple provider of services towards a greater partnership with all relevant stakeholders, including the private sector, academia and independent state institutions.

- Governments around the world are recognizing the need to introduce open government reforms to:

  - better deliver on the demands of their citizens including on economic, environmental, political and social development.

  - Open government success depends a lot on the involvement of citizens and civil society. Their involvement is critical to developing, securing and implementing open government reforms

This therefore requires collaborative relationships between government and civil society.

What has been the causes of lack of effective participation by the citizens, civil society and the private sector:

Apart from limited involvement of right holders by the government in open government initiatives there have been some factors that have been hindering the effective participation of citizens in open government initiatives. These include the following:

- **Lack of capacity**- citizens do not have the relevant knowledge to understand and or interpret the various government documents to enable them to engage effectively

- **Lack of information:** the citizens are not able to access the relevant background information to enable them to engage effectively

- **Lack of interest to engage** citizens are not willing to participate in what the government is doing

- **Negative factors associated with citizens engagement**- engaging and asking the government questions is seen in bad light as anti-government activities

Understanding the different categories of citizen participation to enable the public to make better decision in engaging the government

It is important to understand the different ways that citizen participation can be undertaken in order to establish our effectiveness in public participation as citizens and how we can improve in case we find gaps

There exists three broad categories of citizen participation as follows:

The three categories are as follows:

1) **Category 1** – referred to as the **Lowest form of participation:** no impact. This is just done to make the citizen feel 'happy' inputs are not recognized

2) **Category 2** – referred to as **Tokenism:** some of the inputs from the citizens are considered

3) **Category 3** – referred to as **Citizen Power:** here the citizen is fully engaged, and his input is valued and accepted and has impact

CATEGORY 1 –LOWEST FORM OF PARTICIPATION

This category consists of two stages

Stage 1 – **Manipulation**

Stage 2 – **Therapy**

These two stages (I and 2) are called lowest form of participation and are also the lowest stages in public participation ladder.

Manipulation stage:- citizens participate in what has been planned. They do not take part in decision making.

Therapy stage:- anxiety of community members is diffused. The primary objective of these two stages is to educate citizens on their concerns.

CATEGORY 2 - TOKENISM

Tokenism category consists of following three stages:

- Stage 3 - **Informing**

- Stage 4 - **Consultation**

- Stage 5 - **Placation/appeasing or pacifying people**.

The primary objective of tokenism is to allow citizens to hear and be heard. Tokenism stage is considered a higher-level stage because citizens have ability not just hear and be heard, but also advice power holders.

CATEGORY 3 - CITIZEN POWER

The citizen power category consists of three stages:

- Stage 6 - **Partnership:** Citizens can engage in negotiations with power holders or get involved in decision making responsibilities.

- Stage 7 - **Delegated Power:** power holders transfer part of their authority to individuals or community groups.

- Stage 8 - **Citizen Control:** upper-most stage reflects increasing degrees of "citizen power." It relates citizens having greater power over decision making process e.g. having community members having more seats discussing different developmental matters at the different levels- Village/ward,/SubCounty/County/National etc. Main objective of this stage is involved citizens in decision making process.

As a citizen you always need to ask yourself what level of participation your leaders are involving you in and the reasons and strive always to participate at the stage where you have control, that is at the citizen power level.

What are the Benefits of Citizen/Public Participation?

i) Increased trust between public officials and community.

ii) Citizens have a sense of belonging and trust in their community leaders.

iii) Diverse views from a greater citizenry contributing   public debate on issues and decision-making.

iv) Citizens are better informed on projects and government proposals.

v) Community concerns are more focused and prioritized for public officials to address.

vi) Citizens' diverse and unique skills are revealed to the government officials and to the community as a whole.

vii) Public participation helps in setting priorities.

viii) Public participation leads better decisions.

ix) Public is more aware of community concerns.

x) Public can effectively judge government responses.

xi) Public officials get a better understanding of community needs and are able respond effectively.

What are the Core Values of Citizen/Public Participation?

a) Public participation is based on belief that those who are affected by a decision have a right be involved in the decision-making process.

b) Public participation includes the promise that public's contribution will influence decision.

c) Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.

d) Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.

e) Public participation seeks input from participants in designing how they participate.

f) Public participation provides participants with the information that they need to participate in a meaningful way.

g) Public participation communicates to the participants/citizens how their input affected the decision(s).

THE PUBLIC PARTICIPATION SPECTRUM

Inform	Inform	Consult	Involve	Collaborate	Empower
Public To Participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public
Promise to the public	We will keep you informed	We will keep you informed, listen to you and acknowledge concerns and aspirations	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced decision	We will look to you for advice and innovation in formulating solution and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will implement what you decide
Example Tools	Fact Sheets Websites Open House Communique	Public Comment FGDs Surveys Public meetings Oral Submissions	Workshops Deliberative forums Advisory committees Task force	Advisory committees Consensus building Participatory decision making	Delegated decision

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OPEN GOVERNMENT AND THE MEDIA

The open government principles play an important role in improving the design and delivery of public policies and services. This relies on the following three aspects:

- freedom of expression,
- freedom of information
- strong, independent and diverse media organisations.

The media should be able to:

- disseminate information,
- advocate for public needs
- scrutinise and hold leaders accountable.

Through these actions, a well-functioning media ecosystem can support good governance and democracy, primarily by helping to promote the following open government principles:

- **Transparency:** By collecting and disseminating information about governments' performance, for example by reporting official statements or investigating unknown subjects, traditional and social media promote the transparency of the public sector and enable citizens and private actors to make informed political or economic decisions. In addition, journalists are among the most common users of access to information (ATI) provisions and freedom of information laws, thereby playing a key role in overcoming the challenges posed by lack of government compliance or by complex procedures.

- **Accountability:** Newspapers, television, the Internet and social media are important outlets through which journalists play a watchdog role in fighting both systemic and petty corruption and in holding leaders to account in relation to their constituencies. Enabling this function with appropriate policies and laws is an essential task of any government interested in promoting the values of good and democratic governance.

- **Participation**: In an environment in which citizens are free to voice their concerns in public or through traditional or social media, it is easier for governments to become aware of their opinions on policies and public services. Based on this direct exchange, policy makers are able to design and implement the policies according to the citizen's needs.

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Resources:

Open Government – The global context and the way forward 2016.
Open Contracting- A guide for practitioners by practitioners 2015.
The Constitution of Kenya 2010.
PFMA - The Public Finance Management Act 2015.
The Public Procurement and Asset Disposal Act 2015.
Access to Information Act 2016.
Uraia Citizen Handbook 2012.
www.opencontracting.org
www.proact.org

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