AFRICAN PARLIAMENTS

*Evidence systems for governance
and development*

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LIST OF ACRONYMS

3D	Three-dimensional
4IR	Fourth Industrial Revolution
ACRES	Centre for Rapid Evidence Synthesis
AFIDEP	African Institute for Development Policy
AFLI	Africa Leadership Institute
AfrEA	African Evaluation Association
ALP	African Legislature Project
APNODE	African Parliamentarians' Network on Development Evaluation
BDP	Botswana Democratic Party
BEPP	Bureau of Evaluation of Public Policies
BEPPAAG	Bureau of Evaluation of Public Policies and Government Action Analysis
BVR	Biometric Voter Registration
CDFs	Constituency Development Funds
CSC	Committee Score Card
CSIR	Council for Scientific and Industrial Research
CSOs	Civil Society Organisations
DAC	Development Assistance Committee
DPME	Department of Performance (later planning) Monitoring and Evaluation
DRS	Department of Research Services (DRS)
EALA	East African Legislative Assembly
ECOWAS	Economic Community of West African States
EIDM	Evidence-Informed Decision-Making
ETWG	Evaluation Technical Working Group
EVI	Electronic Voter Identification
FES	Friedrich Ebert Foundation
FRELIMO	Frente de Libertação de Moçambique
GDP	Gross Domestic Product
GEF	Government Evaluation Facility
GNPBO	Global Network of Parliament Budget Offices
GPFE	Global Parliamentarians' Forum on Evaluation
GTAC	Government Technical Assistance Centre
HEIs	Higher Education Institutions
HR	Human Resources
HSRC	Human Sciences Research Council
ICT	Information and Communication Technologies
IDS	Institute of Development Studies

IIAG	Ibrahim Index of African Governance
INASP	International Network for the Availability of Scientific Publications
IoT	Internet of Things
IPAB	Benin Parliamentary Institute
IPU	Inter-Parliamentary Union
KEWOPA	Kenya Women Parliamentary Association
KEWOSA	Kenya Women Senators Association
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MEJN	Malawi Economic Justice Network
MPs	Members of Parliament
MPL	Members of Provincial Legislatures
NCOP	National Council of Provinces
NEDLC	National Economic Development and Labour Council
NES	National Evaluation System
NGOs	Non-Governmental Organisations
NMETWG	National M&E Technical Working Group
NPM	New Public Management
OECD	Organisation for Economic Co-operation and Development
OPM	Office of the Prime Minister
PARMAN	Project for Support of the Strengthening and Modernization of the National Assembly
PBOs	Parliamentary Budget Offices
PC-EIDM	Parliamentary Caucus on Evidence-Informed Oversight and Decision-Making
PCOs	Parliamentary Constituency Offices
PFMA	Public Finance Management Act
POT	Parliamentary Oversight Tool
PPE	Personal Protective Equipment
PRS	Parliamentary Research Service
RSP	Revolutionary State Party
RTS	Results Transmission System
SADC-PF	Southern African Development Community Parliamentary Forum
SCOA	Standing Committee on Appropriations
SCOPA	Standing Committee on Public Accounts
SDGs	Sustainable Development Goals
SSA	Sub-Saharan Africa
Stats SA	Statistics South Africa
SWAPO	South West Africa People's Organisation

UNACEB	State Budget Control and Assessment Analysis Unit
UNDP	United Nations Development Program
UNEG	United Nations Evaluation Group
VOPES	Voluntary Organisations of Professional Evaluators
WBI	World Bank Institute
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZEPARU	Zimbabwe Economic Policy and Analysis Research Unit

CHALLENGES AND OPPORTUNITIES TO CITIZEN ENGAGEMENT IN AFRICA

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Introduction

Citizens' engagement is the governance mechanism that allows people to be part of the political decisions that affect them. The degree of influence they have on these decisions varies considerably, and the actual structure of engagement can also range from voluntary individual activism to organised civil society. It can also be defined as "actions that influence or seek to influence policy decisions or actions that incorporate the demands and values of the citizens into public administration services" (Zimmerman, 1988). Citizens' engagement is therefore the continuous interaction between citizens and the government, with parliaments as moderators. While it is closely related to the representative function of MPs, the representation function discussed in Chapter 7 looks at the contextual drivers of how MPs play their representative role and how evidence feeds into decision-making. This chapter will look at structures that facilitate citizen engagement and how evidence systems inform them.

More than any other branch of government, due to its composition of elected representations, parliament provides a platform for participation and the articulation of people's will. Parliament is the bloodline between the executive that governs and the citizenry that are governed. Parliament is designed to reflect the dynamics of the nation, substituting for ordinary citizens and acting as they would have acted (Fishkin, 1995) and is thus a key element in, and a symbol of, the creation of a representative state (UNDP, IPU, 2012). However, the degree to which elected representatives can display this diversity varies.

For parliaments to play an effective role in engaging citizens, it is critical that information is available for citizens to access, that there are spaces and platforms for consultation, and finally, that there is genuine deliberation through processes of participation (Holmes, 2011). Of these three elements of engagement, public participation is the most likely to have positive effects on democratic principles, because it offers space for deliberation (EIPP, 2011). Therefore, central to the engagement process is that the 'public', however it is defined, should be seen to have a legitimate role in calling other centres of power to account. One of the challenges is how to support this legitimacy while still acknowledging the diverse views of groups such as 'the public,' 'citizens,' and 'communities.' (EIPP, 2011). In a modern democracy, citizen engagement is a method used to impact, direct, empower, and own a policy or programme instituted by the government (Sefora, 2017). The effective balance of parliaments' role is

one of the truest tests of governance. This is a core concern for many African countries where parliament is still considered the weakest amongst the three arms of government.

The African Governance Report (ECA, 2005) found that: “In terms of enacting laws, debating national issues, checking the activities of the government and in general promoting the welfare of the people, these duties and obligations are rarely performed with efficiency and effectiveness”. This weakness originates mostly from historical systems of excluding citizens, which systemically weakened African legislatures compared to the executive arms of the governments (Alabi, 2009).

This chapter will explore the historical roots of citizen engagement and will then look at how organised civil society facilitates citizen engagement. Finally, it will explore recent shifts in the landscape of citizen engagement, in particular the role of technology in shifting systems of engagement. Moving across all three themes, the chapter will look at how evidence is generated by citizens for use in engagement with elected representatives. This will be done by first looking at how governments in the region are responding to reform, followed by a survey of models of civil society engagement in different countries and a discussion of both the promises and limitations of the different structures and methods in place.

The road to citizen engagement

Structurally, most colonial African parliaments were neither designed nor empowered to serve as an effective ombudsman of the people against the executive. Instead, the authoritarian legacy of colonialism aimed at destroying the ‘traditional checks-and-balances,’ in order to render parliamentary institutions as tools to deepen systems of patronage and ethnic alignment (Schraeder, 2000). Catalysed by globalisation and the digital revolution, all twenty-first century governments have been forced to develop systems of governance that accommodate free-market principles, whilst simultaneously improving citizens’ welfare. This has required a range of reform processes to take place which are aimed at strengthening the public service administration and aligning constitutional and electoral systems in line with these goals (Edwards, Sharma-Wallace, Wreford, Holt, Cradock-Henry, Flood & Velarde, 2019). This section will discuss the range of efforts governments in Africa have made to reform, and what this has meant for citizen engagement.

In Africa, the growth of regional parliamentary bodies such as the Pan African Parliament, the East African Legislative Assembly (EALA), the Economic Community of West African States Parliament (ECOWAS), and the Southern African Development Community Parliamentary Forum (SADC-PF) demonstrate the willingness of African governments to invest in institutions which meet global standards of democracy (Mpanyane, 2009). In addition to being signatories to various international law instruments such as the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, the African Charter on Human Rights and People's Rights and Agenda 2063 'the Africa we want' which explicitly states under Aspiration 6, No 48 "All the *citizens* of Africa will be actively involved in decision-making in all aspects of development, including social, economic, political and environmental (ECA, 2015), African governments, jointly declared to take responsibility for promoting and protecting democracy by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels" (NEPAD, 2001). However, building these structures has often required adapting global standards to a context that does not always have the governance infrastructure necessary to underpin and ensure its efficacy. This has required an ongoing reform process which includes contestations to create institutional alignment (Navarro, 2010).

At the national level, many African countries have constitutional reforms that encourage the promotion of citizens' engagement. In Kenya, South Africa, Uganda, and Zimbabwe, citizen participation is regarded as a necessary component of governance and is thus adopted in their constitutions. In these four countries, local governments are constitutionally protected and accorded degrees of self-governing powers and are hence obliged to facilitate community participation in local spaces.

In Kenya and Uganda, various chapters and clauses of the constitution require that public participation is undertaken at all levels of government before government officials and bodies make official decisions. For instance, in Kenya, Article 196 (1) stipulates that a county assembly shall openly conduct its business and hold its sittings and those of committees in public and should facilitate public participation and involvement in the legislative and other business of the assembly and its committees, whilst Article 232 (1) stipulates that the values and principles of public service include(s): (d) involvement of the people in the process of policymaking (Fuo, 2015). The objective is to bring the parliament

closer to the people, improve service delivery and increase citizen participation in public affairs. While having this constitutional and legislative foundation has been critical, equally critical is ensuring the bureaucratic capacity to facilitate the implementation of this legislation and in this regard the results have been varied.

In South Africa, which has a more recent history of excluding citizens than many countries in the region, public participation is an issue that has been raised at the Constitutional Court on numerous occasions. Government has an obligation to facilitate a public participation process, but the precise definitions of the scope and nature of this obligation are being redefined on an ongoing basis. The right to public participation is given considerable importance in particular at the local government level, where the government is seen as closest to the people. Provisions in Sections 59, 72 and 118, specify that committees and legislatures should work together in the interest of facilitating participation. Integrated Development Plans (IDPs) guide local government service delivery, and developing these plans requires ongoing engagement with communities. This participation takes place through a range of different tools, including *imbizos* (gatherings, usually called by a traditional/ local leader) where senior officials meet with the general public to engage with policies and service delivery as well as the engagement of community development workers who have an explicit mandate to help communities access the information and stakeholders needed to engage effectively with government representatives, departments, and service providers. Their main objective is to facilitate community participation in government programmes and activities.

In Zimbabwe, civic participation is grounded primarily on the Constitution, with preambles highlighting the need to entrench democracy, good, transparent, and accountable governance and reaffirming commitment to upholding and defending human rights and freedoms (Government of Zimbabwe, UNDP, 2017). To bring the parliament and parliamentarians closer to the people and to ensure participation and inclusivity, local authorities (urban and rural councils) are constitutionally recognised as the third tier of government. Section 264 of the Constitution stipulates that, whenever appropriate, governmental powers and responsibilities must be devolved to provincial and metropolitan councils and local authorities which are competent to carry out those responsibilities efficiently and effectively (Fuo, 2015).

These case studies highlight the extent to which African governments have gone to constitute country-specific forms of decentralised governments with supporting constitutions that oblige the legislature and parliamentarians to facilitate citizen engagement.

Despite these efforts, substantial challenges limit the scale at which parliaments-citizen engagement occurs. In Kenya, for example, the transformative devolution process is still unstructured and is undertaken in a tokenistic way. Its effectiveness is further diluted by the limited capacity of the citizens to fully engage in an informed and meaningful way (Mariru, 2015). Second, there are limited adherences to the “right to participate in governance, planning and development process” as stipulated in the constitution, especially during the budget-making process and in presidential directives due to both social and structural factors such as poverty, inequality, and weak institutions (Otienno, 2018). Because the government has still to formulate guidelines and safeguards to ensure meaningful participation, political elites have hijacked the process to ensure results are favourable to their needs.

Finally, despite the Kenyan constitution providing for citizens’ rights to access state information, this right has been continuously denied in practice. This demonstrates just one of many examples of exclusion of citizens from decision-making processes. The unwillingness of a state to uphold the rights it claims to guarantee results in widespread disillusionment of citizens. In South Africa this disillusionment has led to service delivery protests. In Kenya, it has led to citizens, known as ‘wananchi’ (children of the nation) and ‘wanainchi’ (owners of the nation), demonstrating against the continued ineffectiveness of the mechanisms of engagement and the processes of governance that continue to perpetuate exclusion (Gathu & Kahindi, 2015).

As these examples show, while there is formal provision for citizen participation in legislation, with many governments taking steps to provide for this, the steps vary from government to government and have different implications for the terms on which civil society engagement can take place.

Structures for engagement

While the section above considered the legislative intention of including citizens in political decision-making as part of a process of reform, the structures and tools that have been built to do this vary considerably. Some will be discussed

below outlining the ways in which they link to political decision-making. Some provide platforms to engage citizens which allow the direct input of citizen views into legislative processes and others link directly to monitoring data for decision-making.

Although Ugandan *barazas* (community-based accountability meetings) have the potential to allow for citizen accountability, particularly with regard to local public service delivery, this has not been the practice (ISER, 2018). *Barazas* are not conducted in every district and even where they are conducted, one *baraza* per district per financial year is insufficient to allow for meaningful engagement of citizens.

Second, the extent to which the opinions and concerns generated at the *barazas* are considered in the planning processes, or provided to respective parliamentary committees, is unclear (ISER, 2018). The *baraza* programme has neither follow-up nor accountability mechanisms to ensure that citizen engagement is actively translated into action by decision-makers. As a result, citizens are both frustrated with performative participation and also disincentivised to engage further due to the general perception that government sees citizen engagement as a mechanism of compliance, rather than of meaningful participation.

In 2013, the Community Based Monitoring Framework was adopted in South Africa to monitor government performance, but this has been hindered by issues related to poor citizens participation as hearings are held in remote and inaccessible areas and coincide with citizens' working hours.

In Zimbabwe, the Prime Minister's directive of 1984 mandated the establishment of participatory structures at grassroots level where issues of community development and service delivery could be addressed with the structures cascading nationally through village groups and ward and district development committees. Despite these arrangements, citizen participation has remained fragmented (UNDP, 2017). The 2014 Afrobarometer survey of citizens' engagement in Zimbabwe where 2400 adult Zimbabweans were interviewed highlighted that:

- ▶ Zimbabweans do not interact with their elected leaders; 67% indicated that they did not contact local government councillors or MPs, while this number stood at 86% in the year preceding the survey.

- ▮ Of those surveyed, 75% noted that they were not members of voluntary associations or community groups.
- ▮ Urban residents are less engaged than their rural counterparts, and women are less engaged than men, with a notable exception being engagement with religious leaders.

Clearly, despite acknowledging the importance of civic participation, relatively few Zimbabweans engage with their local parliamentarians. There is also a strong sentiment among Zimbabweans that MPs do not listen to citizens and are in power only for their own selfish ends and that this is at the expense of the needs of the community at large.

While civic engagement is firmly enshrined in the legislative and constitutional frameworks of these countries, the implementation of engagement mechanisms is often weak and there is little trust between citizens and elected representatives. As a result, public engagement processes often lack legitimacy and engagement processes remain fragile. This is further compounded by poor access to information for many citizens resulting in limited awareness of both government decision-making processes in the legislative space as well as the practice of engagement by citizens. However, MPs appear to be increasingly making use of evidence to combat this landscape of fragility. There is an expectation that citizens' views will be brought into the process of oversight and it appears that MPs are reporting back more frequently to their constituents with on matters of executive capacity and progress. The intention is that access to information will foster more meaningful participation. In the following section the structures and organisations within civil society which can either foster or inhibit citizen engagement will be examined.

The role of civil society organisations in the engagement of Africa's citizens

The third wave of democratisation focused the attention of African Civil Society Organisations (CSOs) on social accountability. This occurred at the same time as widespread cell phone penetration and the increased access to social media. This resulted in more widespread opportunities for participatory data collection and new forms of engagement. At the same time reform processes emphasised the need for evidence-informed policymaking. This has opened the door for new platforms to allow direct communication and dialogue between

civil society and governments in the region (World Bank, 2010). The examples below will explore some of these processes, with particular emphasis on how they have influenced electoral processes and parliamentary decision-making.

There has been lively contestation about the scope and nature of African CSOs' involvement in the policy process. However, the way that research on this topic has unfolded has been shaped at least as much by ideology as by empirical analysis (ODI, 2008). In areas where CSOs have collaborated with the government, there have usually been better policy outcomes. For example, in the lead up to Ghana's 2012 elections, the Ghanaian CSO CDD-Ghana provided the opportunity to members of local communities to engage with candidates who were running for election to represent them in parliament (Oxfam, 2013). The debates were held in town halls in 29 counties and included participation from diverse stakeholders including representation from a range of excluded and minority groups of the electorate. Candidates were given space to explain their strategies to tackle national issues, and there was space for open engagement around topics that were of particular concern.

During the 2012 election in Sierra Leone, the WASH-Net coalition of CSOs worked together to try and put WASH issues on the agenda as a national priority in upcoming elections (WASH-Net, 2015). WASH-Net visited every district in the country and asked candidates running for positions to pledge to certain commitments on water and sanitation. In total, 1 482 pledge cards were signed, and 326 candidates who participated in the pledge were elected to government. This campaign contributed to the eventual creation of a new Ministry for Water, which had formerly been part of the Ministry of Health (Oxfam, 2013).

Bemuse (2006) cites the example of the work of the Malawi Economic Justice Network (MEJN). This group engaged with the Parliament of Malawi on the issue of pro-poor budgeting. The MEJN briefed individual MPs and made representations to committees and publicised positions, recommendations, and analyses in advance of the budget debates. They also supported a coalition of MPs to scrutinise economic policies that were proposed by multilateral agencies and donors. This provided a way to engage civil society meaningfully with parliamentary processes and also built relationships between MPs and stakeholders in civil society working for pro-poor budgeting.

In Kenya, the non-partisan organisation, Mzalendo, makes public information easily accessible to all. Its website offers a detailed searchable profile for each MP, including responsibilities and contact information. Each MP has a scorecard ranking their performance in several categories, such as how accessible they are to their constituents, how often they attend and vote in the Kenyan Parliament, and how they have spent their Constituency Development Funds (CDF) – funds allocated to MPs who then decide how to spend these funds in their home district. Mzalendo's work has had a direct impact on Kenya's parliament. When the project publicised poor attendance in legislative sessions, a public outcry ensued resulting in an immediate performance improvement (Veit, 2012).

Finally, in addition to monitoring parliamentary electoral processes, many civil society organisations are sectoral experts within their particular sector of engagement and, as such, they make submissions directly to parliamentary portfolio committees. These submissions can advocate for a specific interpretation of departmental evidence, provide evidence about the state of service delivery, or contribute to a gap in either evidence or executive capacity around a certain area of service delivery.

Despite the advantages of CSOs' participation in the enhancement of citizen engagement and their contribution to transparency, accountability and participation, the CSO field in Africa has not been straightforward or unencumbered. For example, in 2018 (USAID, 2018) there were several threats to the freedom of civil society on the continent. Malawi and Tanzania both proposed new legislation which would limit certain CSO freedoms amongst which was the freedom of expression. In Uganda and Zimbabwe the combative relationship between civil society and government meant that many civil society activists faced or risked arrest. The engagement between African governments and the CSOs is fraught with suspicion, mistrust and political manipulation. In addition to the fragmentation among CSOs and insufficient human and financial resources (Oxfam, 2013), CSOs face many other challenges in their championing of engagement with the government.

Parliamentarians certainly have an advantage when they work with CSOs. However, the onus for the successful relationship falls not only on CSOs but also on parliamentarians who have the role of ensuring that CSOs have a platform and an enabling environment to express themselves without fear of retribution. This includes support for open civic spaces through legislation and also by fostering an inclusive political culture.

Technology and changing methods of engagement

Achieving true political participation in the digital era (Agora, 2015) requires parliaments to move beyond merely using parliamentary websites as the tool for citizen engagement towards the adoption of new technologies that make it quick and easy for people to share inputs. The upsurge in the use of the internet, smartphones and social media has provided a fertile landscape for ordinary citizens and CSOs to change the historical African narrative of a lack of engagement between the parliament and citizens. To stay abreast of the global trends all parliaments are compelled to use ICT for their internal functioning and outreach and this has led to the development of e-parliaments.

The Kenyan Parliamentary sessions are aired live to the public using their internal media departments with recorded sessions available upon request. This allows the public access to a live feed of parliamentary debates. Additionally, since 2007 the Kenya Treasury publishes its financial budgets online for public scrutiny prior to the Auditor-General's report at the end of the year (Kenya Treasury, 2007). As a consequence of this accountability measure, Mars Group Kenya (2009), a non-governmental organisation (NGO), highlighted a KSh 10 billion (USD98 million) financial error in the 2009/2010 budgetary estimates. It was conceded that the deficit was a mistake and it was subsequently rectified. Finally, the Independent Electoral Commission has maintained election transparency since 2013 by using 3 ICT tools, namely: (i) the Biometric Voter Registration (BVR) system which electronically scans and saves voters fingerprints to use later in the case of voter identification and registration, (ii) the Electronic Voter Identification (EVI) system which confirm voters' identities and, (iii) the Results Transmission System (RTS) which allows for counted votes to be instantly and electronically relayed to the public in real-time. Election results are in the public domain to allow for citizen scrutiny (CIPESA, 2015).

In Uganda, the Parliamentary Call System 'UsPeak,' an SMS and web-based constituent engagement and tracking platform, allows citizens to contact their elected representatives using SMS, and for political decision makers to better access the views of citizens (NDI, 2013). UsPeak enables constituents to give their views on various issues by text message or by voicemail and also to request more information on topical issues from their representatives (CIPESA, 2012). Uganda also has a Bill tracking application (app) for the Parliament of Uganda called '*Bungeni*' with which people can track the status of Bills as well as search for available information about committees and legislators.

In addition to government social media platforms, websites, and digital channels, a range of digital platforms run by civil society groups are also in operation across the continent. These tools enable citizens to hold their public institutions to account. Parliamentary monitoring sites in countries such as Kenya (Mzalendo), South Africa (PMG), Ghana (Odekro), and Nigeria (Shine Your Eye), are run by civil society organisations to enable citizens to have an insight into parliamentary rulings and parliamentary activities.

Irrespective of the socio-economic, environmental and structural challenges, it is equally important to assess the extent to which citizens themselves engage with the state or parliamentarians through the use of the available technologies.

An assessment undertaken by the Institute of Development Studies in Kenya (IDS, 2016) to examine the level of citizens' engagement and use of ICT instituted by the government highlighted the following:

- Of the 120 young people surveyed, two-thirds of the respondents had not accessed any of the online services provided by the government despite their knowledge of the systems. This was either because of a lack of interest in civic participation; a lack of personal computers; a lack of ICT knowledge; or the fear of victimisation or condemnation.
- One-third of the sample had used the e-platforms or visited the Huduma centres for services such as applying for an ID card or filling in their income tax returns.

With regard to the use of e-platforms to engage with leaders:

- Of the 32% of the sample that had used online services, only four respondents had used them to contact the President directly, two to contact the Nairobi senator directly, and one to contact the Nairobi governor directly.
- Only half of those who had made direct contact had received a response.

With regard to public forums developed by parliamentarians, the IDS (2016) noted that most of the 120 questionnaire respondents observed that advertisements for public forums are usually political as they are either advertised in the papers very close to the date of the event; the events are held on weekdays when working people are unable to attend; or the advertisements are displayed in county offices where only a few people can see them.

Analysis to date highlights that e-parliament services are not a panacea for facilitating parliament to citizen engagement. As accurately stated by Papaloi and Gouscos (2009), e-parliament services function as a supplementary

mechanism as they (i) do not allow for the substitution of representative democracy with direct democracy; (ii) do not replace parliament-like initiatives which run in physical contexts with parliament-like initiatives which run on a website; (iii) reinforce participatory democracy; and (iv) enable the members of parliament to apply citizens' recommendations if they judge so. In addition, any discussion on citizen engagement should focus both on parliament and citizens' attitudes towards good governance.

Conclusion

There is a range of opportunities for citizens to engage in parliamentary processes. While some of these include the formal channels of elections and consultation processes by elected representatives, these formal channels are not the only ways through which citizens engage in parliamentary processes. Parliamentary monitoring groups, citizen monitoring of service delivery, and other forms of citizen-generated data, have all played a role in fostering citizen engagement with parliamentary processes. However, the country-level space for an active civil society varies considerably across the region, and historical as well as political dynamics have shaped the levels to which governments are open to meaningfully considering and integrating civil society input into processes of governance.

To conclude, political leaders in the continent need to show commitment to addressing the issue of good governance by adopting measures for transparency, accountability, participation and the combating of corruption. Parliaments have a critical role in supporting participation, primarily by means of parliamentary evidence systems but also in broader aspects of governance. Addressing the issues of participation, corruption, and misappropriation of funds is a fundamental goal of democratic representation and, as such, must be prioritised. The existing inadequacies in the level of qualification of many African parliamentarians must be addressed, not only in terms of an understanding of the law but also in its application. At the core of it all, African parliaments and parliamentarians need credible information to fulfil their law-making and oversight functions. The lack of use of and demand for evaluation at the legislative level has been detrimental to the progression of good governance and civic representation. Traditional methods of civic outreach in conjunction with ICT systems can provide additional value to deliver insights about the quality of a policy, design, the process of its implementation, and evaluably, impact on

the fiscal economy and society. To address the challenge of civic participation, it is clear that while there are no one-size-fits-all solutions, there is a need to holistically determine country-specific strategies that will encourage citizens to gravitate freely towards the government openly and transparently with no fear of repercussion.

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8.1

NOTES FROM PRACTICE: THE USE OF CITIZEN EVIDENCE IN PARLIAMENTARY OVERSIGHT IN GHANA

Abraham Ibn Zackaria

Evidence use by the Parliament of Ghana in performing key representational roles

A review of official documents of the Parliament of Ghana reveals that there is evidence that the Ghanaian legislature uses different types of evidence in the performance of its key representational roles, particularly when passing Bills into law, during budget approval and in the performance of its oversight roles. Essentially, citizens' evidence, practice-informed evidence, research evidence, etc. are used in diverse ways by the House when performing its key representational roles such as budget consideration, constituency oversight and mainstreaming constituency needs into debates in the House. The use of evidence by the Parliament of Ghana is to ensure that its decisions are robust and designed to benefit the people it represents. The use of data from official sources and research information is common amongst MPs. In this regard, some arrangements have been made as part of the service delivery structure of the parliamentary service to ensure that the House and its members have access to accurate and reliable evidence from diverse sources when the need arises.

The Parliament of Ghana uses evidence from diverse sources when undertaking oversight activities. Interaction with some selected committees revealed that committees sometimes use citizen evidence to support their work, especially when performing their oversight role. Committees monitor the progress of projects approved in the budget, as well as the usefulness of such projects to the communities from the perspective of the members of the communities where such projects are located. Committees on health and education use citizens' evidence obtained from the Committee Score Card (CSC) and the Committee on Government Assurances uses a digital platform to interact with citizens on the implementation of government projects in their respective communities.

1. Citizens evidence through Committee Score Card (CSC)

Some committees of parliament, particularly the Health and Education Committees, periodically undertake small-scale assessments of the progress and usefulness of government projects approved in the national budget from the perspective of citizens. The committees use the CSC to elicit information on the experiences and perceptions of citizens regarding the progress and usefulness of projects to the needs of the constituents. By so doing, parliament is able to exact accountability from the government from the perspective of citizens.

The use of this method enables committees to have first-hand information from citizens and this information informs the decisions of the committee regarding policy proposals of the government and the allocation of resources for the implementation of such policies and projects. The results from the CSC are mainstreamed into debates on the floor of the House, amplifying and drawing the attention of the government to challenges, and any inappropriateness of services provided to citizens. Members use their oversight tools such as statements and question time in plenaries to draw the attention of the respective ministers to the results of the CSC for immediate action.

2. Citizens' evidence on ministerial promises to parliament: Committee on government assurances digital platform

The Parliament of Ghana is currently using a digital platform as a tool to obtain feedback from citizens in respect of government promises in the various constituencies across the country. In 2015, the Government Assurances Committee of Parliament launched "www.assurances.gov.gh", an online digital platform project to facilitate the committee's mandate of monitoring all assurances and promises made by the executive in parliament. The project encourages citizens to voice their concerns on the platform on assurances made by ministers to ensure accountability. The platform is integrated with a mobile App, SMS and social media and was developed with a clear focus on the needs of the end-users with the objective of ensuring that citizens are able to engage with parliament to monitor the implementation of government assurances. It also enables citizens to actively participate in the process of assessing government and holding it more accountable via an innovative, easy to use, interactive online platform. The work of the committee has become more efficient as, for the first time ever, there is a dedicated website on which citizens can report on projects within their communities and reach out to the committee via an integrated media system.

The case study has briefly illustrated how the Parliament of Ghana engages with citizen evidence and ensures that the different forms of evidence make their way into parliamentary engagements such as portfolio committee engagements. The committee scorecard has been instrumental in facilitating public participation in the oversight of government programmes in respective communities.

8.2

NOTES FROM PRACTICE: EFFORTS TO STRENGTHEN CITIZENS' ENGAGEMENT IN PARLIAMENTARY PROCESSES IN KENYA

Humphrey Ringera

Introduction

The Parliament of Kenya utilises different methods to provide information to the members of public on the various pieces of legislation being considered and on how the public can participate and influence the debate. This vignette will highlight three approaches used in the parliament of Kenya and illustrate how they contribute to citizen engagement. These are: committees and standing orders; petitions and committal of Bills to committees as well as exchanges and networking online, in partnership with Civil Society Organisations (CSOs).

Committees and standing orders

Parliamentary committees have the power to summon any person to appear before them for the purpose of giving evidence and providing information.¹ They hold meetings in public and hearing schedules are usually publicised in advance to keep members of the public informed. They are mandated to conduct open hearings and inquiries and they provide direct channels for public engagement. Committees therefore act as linkages between members of public, policy institutions, think-tanks, academia and other stakeholders and parliament. Further, publicising committee activities on the parliamentary website and/or in the media generates public interest and optimises awareness of and participation in the committee activities which, in turn, helps ensure that the activities are grounded in reality and evidence.

Petitions and committal of Bills to committees

The right to petition parliament is recognised in Articles 37 and 119 of the Constitution. Article 119 provides that, *“every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation”*. Petitions allow members of the public to engage and raise issues for consideration by the legislature. The respective standing orders provide a procedure for submission of petitions.² The committee invites the petitioner to the hearing and allows relevant authority to respond to the subject of the petition in writing or orally. The committee can also undertake a site visit to the concerned physical area or region depending on the nature of the petition.

¹ Article 125, Constitution of Kenya, 2010.

² National Assembly, Standing Order 220 & Senate, Standing Order 226.

As a further means to facilitate citizen engagement in lawmaking, when Bills are read for the first time in parliament, they stand committed to the relevant committees whose requirement it is to facilitate public participation and take into account the views and recommendations of the public in their reports to the House.³ To ensure this, parliament usually publishes advertisements for public participation and calls for memoranda indicating the name of the Bill, the number of days for public participation, the venue and the time (sample annexed).

Exchanges and networking online, in partnership with Civil Society Organisations (CSOs)

Another initiative worth highlighting that has increased citizen involvement in parliament processes is a sharing and networking platform called Dokeza.⁴ This is an initiative with Mzalendo Trust, a non-partisan organisation that monitors the Parliament of Kenya with a mission to facilitate public participation in parliamentary processes through information sharing, research and networking.

Dokeza aims to facilitate and enhance public participation by providing an online platform where members of the public can inform lawmaking and have their views presented in the form of a memorandum. Bills are usually interpreted by an expert to make them easily understandable and to provide members of the public with the opportunity to state their views in various sections and even share their input on social media. Dokeza has radically changed public participation in lawmaking as it is modern, accessible, and exciting. It has expanded the outreach and increased public participation as it is able to reach the largest segment of the population who are youth, most of whom are online. It creates a platform where lawmakers interact with their constituents to inform legislations under discussion. It further enables people outside Nairobi (where parliamentary sittings are usually held) to collate public opinion and draft memoranda within the prescribed stringent timelines and serves as a repository of public regulations on various calls for memoranda.

The multiple avenues highlighted thus far have contributed to improving a fact checking system which enables MPs to consider evidence from citizens at various levels that would otherwise have been ignored. The submissions by members

³ National Assembly, Standing Order 127 & Senate, Standing Order 140.

⁴ Dokeza – Swahili for ‘share your ideas’.

of the public and institutions, either orally or by written memoranda, usually provide advice, evidence, guidance or norms on best practices that assists in building evidence-based consensus on the majority of policy decisions.

Annexure 1: Advertisements for public participation and calls for memoranda

REPUBLIC OF KENYA

TWELFTH PARLIAMENT | FIFTH SESSION
THE SENATE

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

At the sitting of the Senate held on Tuesday, 6th July, 2021, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 140 (5) of the Standing Orders of the Senate, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The Memoranda may be sent **by email** on the address: csenate@parliament.go.ke and copied to the respective Committee email addresses indicated at the fourth column below, to be received on or before **Friday, 23rd July, 2021 at 5.00pm**.

	Bill	Committee Referred To	Email Address
a)	The County Oversight and Accountability Bill (Senate Bills No. 17 of 2021)	Standing Committee on Devolution and Intergovernmental Relations	senatedevolution@gmail.com
b)	The National Cohesion and Peace Building Bill (Senate Bills No. 19 of 2021)	Standing Committee on National Cohesion, Equal Opportunity and Regional Integration	nationalcohesionc@gmail.com
c)	The County Boundaries Bill (Senate Bills No. 20 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlhrc@parliament.go.ke
d)	The Preservation of Human Dignity and Protection of Economic and Social Rights Bill (Senate Bills No. 21 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlhrc@parliament.go.ke
e)	The Heritage and Museums Bill (Senate Bills No. 22 of 2021)	Standing Committee on Labour and Social Welfare	senatecommittee.labour@parliament.go.ke
f)	The Coconut Industry Development Bill (Senate Bills No. 24 of 2021)	Standing Committee on Agriculture, Livestock and Fisheries	senatescalf@parliament.go.ke
g)	The Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No. 33 of 2021)	Standing Committee on National Security, Defence and Foreign Relations	scnsdfr2021@gmail.com
h)	The Alternative Dispute Resolution Bill (Senate Bills No. 34 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlhrc@parliament.go.ke
i)	The County Governments Grants Bill (Senate Bills No. 35 of 2021)	Standing Committee on Finance and Budget	scfinanceandbudget@gmail.com

The Bills may be found on the Parliament website at <http://www.parliament.go.ke/the-senate/senate-bills>.

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CLERK OF THE SENATE.**

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