Closed or Inclusive Process: How State Actors View the Contribution of Non-State Actors in Public Policy in Kenya

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Abstract: This article investigates state actors' perceptions of the contribution of non-state actors in inclusive public policy process in Kenya. A quantitative survey methodology is employed in the study area of the City of Nairobi in 20 government ministries with one permanent secretary from each ministry answering the questionnaire on behalf of the ministry. A power analysis framework is used to understand the relationships of power between state actors and non-state actors and how they affect public policy process. The findings confirm that there has been significant improvement in inclusive public policy process in Kenya. A process which began as closed in the 60s, 70s and 80s supported by the existing governance framework, had the 90s as a turning point as a result of civic action and pressure from donor community that forced the government to embrace democratic process. Since then, there has been gradual and meaningful inclusion of non-state actors in public policy process supported by new governance framework articulated in the 2010 Constitution. However, there exists coercive power of the state actors as they continue to influence policy decisions and delivery using their authority to determine who they collaborate with and who is invited to participate in specific policy areas and issues.

Keywords: Public policy, inclusive public policy process, state actors, contribution of non-state actors, perceptions, power relations, policy areas, non-governmental organisations.

1. INTRODUCTION

1.1 Background to the study:

The emergence of new forms of participatory democracy emphasize the need for a more consensual way of making public policy through involvement of all relevant stakeholders [1], [2], [3], and [4]. This is supported by the assumptions that citizens have the ability to change policy environment and that the expected benefits of such a deliberative and inclusive process of public policy decisions and delivery include increased ownership of the public policy process, new public-private partnerships, consolidation of democratisation, and improved sustainability of social-economic and political development including trust [5]. It is also believed that open and inclusive policy making improves policy enables governments to understand better the needs of the people, leverage a wider pool of information and resources, improve compliance, minimise costs and reduce the risk of conflict and delays in implementation [6]. Ng'ethe and Owino held the view that Kenya maintained existence of a fairly strong data base in Kenya National Bureau of Statistics (KNBS), research department at the Central Bank of Kenya and pockets of research and analysis in a number of government ministries and civil society organisations [7]. They therefore assumed from circumstantial evidence that these data and analysis found their way into public policy process, but the major problem was the absence of informed policy debate and dialogue between all interested stakeholders. This is contrary to the observations made by Odhiambo-Mbai and others who held the view that public policy process has been closed, not inclusive and remained a preserve of a few political

elite who also enjoy the favour of being close to the President [8]. A more recent moderate view held by Andreassen and Barasa brings the two contrary views together and argue that while the government has resisted non-state actors' inclusion in the policy process, non-state actors have attempted to force their way through to make their presence felt by the government, even if this presence has contributed little in informing policy decisions adopted by the government [9]. These three views raise the question investigated in this article. How have non-state actors contributed to inclusive public policy process in Kenya? Investigating this question is important because it challenges the existing perceptions and contributes to knowledge by seeking to gain an understanding of what goes on in the policy process when various policy actors are involved. This research bolsters the increasing realisation in the literature on public policy that the policy process is complex, embracing a range of actors who are sometimes not aware that they are making or influencing policy. Ozo-Eson observed that relationships between actors within and outside the formal policy structure constitute the processes of inclusion and exclusion, contestation and consensus through which particular policy positions are shaped [10]. This article therefore investigates the contribution of non-state actors to inclusive public policy process in Kenya. This article focuses on perceptions and evaluations of state actors on non-state actors' contribution to inclusive public policy process in Kenya. First, it identifies specific non-state actors that collaborate with state actors in public policy process. Second, it establishes the frequency and policy areas of collaboration. Third, it examines levels and strategies used by non-state actors to contribute to and influence public policy.

### 1.2 Closed or inclusive public policy process?

An analysis of the evolution of public policy in Kenya shows that the involvement of non-state actors in public policy process has been slow and painful experience. The governance framework for public policy process in Kenya has evolved over time beginning with the independent constitution in 1963 which made Kenya a multi-party democracy based on the Westminster Model of government also known as parliamentary form of government [11]. In this model, the legislature was the supreme organ of the state in all public policy matters, hence kept a close supervision of the activities of the executive. But when the constitution was amended in 1964, it established the position of the president who became both head of state and head of government with executive authority. Odhiambo-Mbai observed that the amended constitution also established checks and balances among the three main institutions of the state [8]. The executive was to initiate public policies and the legislature was to approve all the public policies before they were implemented and the judiciary was to administer all regulative policies and ensure that both the executive and the legislature operate within the constitution.

Subsequent efforts by the government to establish a more elaborate and efficient governance structure for policy process reveal the government's intention to decentralise public policy making process within the executive at the national and provincial levels as shown in Fig. 1 below. Despite the decentralisation, they created a very complex structure with overlapping responsibilities of the government officials, hence making it difficult to generate an effective and efficient public policy process that would accommodate the input of non-state actors. At the national level, the organisational structure comprised hierarchical units made of the cabinet at the top, followed by a council of economic ministers, then ministry of economic planning and development followed by planning units within various ministries.

At the provincial level the government created Provincial Development Committees (PDCs) and Provincial Development Advisory Committees (PDACs) in every province and District Development Committees (DDCs) and District Development Advisory Committees (DDACs) in every district chaired by the Provincial Commissioners (PC) and District Commissioners (DC) respectively [12]. The primary function of the Advisory Committees at the provincial and district levels were to identify various local development needs, while those of the development committees were to co-ordinate the implementation of all policy programmes and projects which had been passed by the central and provincial planning organisations. The Provincial Planning Officer facilitated the operations of the two parallel organisations and advised the PC on all development and planning matters as well as collect relevant data and information for the Central Bureau of Statistics [13].

However, this framework changed with time and several of these committees were abolished. In 1982 the President abolished both PDCs and PDACs and created District Focus Strategy for Rural Development (DFSRD) under the Office of the President. This could be considered government efforts to open up spaces for public participation in public policy process. The local authorities operating under the Ministry of Local Government and comprising county councils for rural

districts, urban centres for small urban centres, townships and municipal councils for small and big towns respectively and the city council for Nairobi were also involved in public policy process.
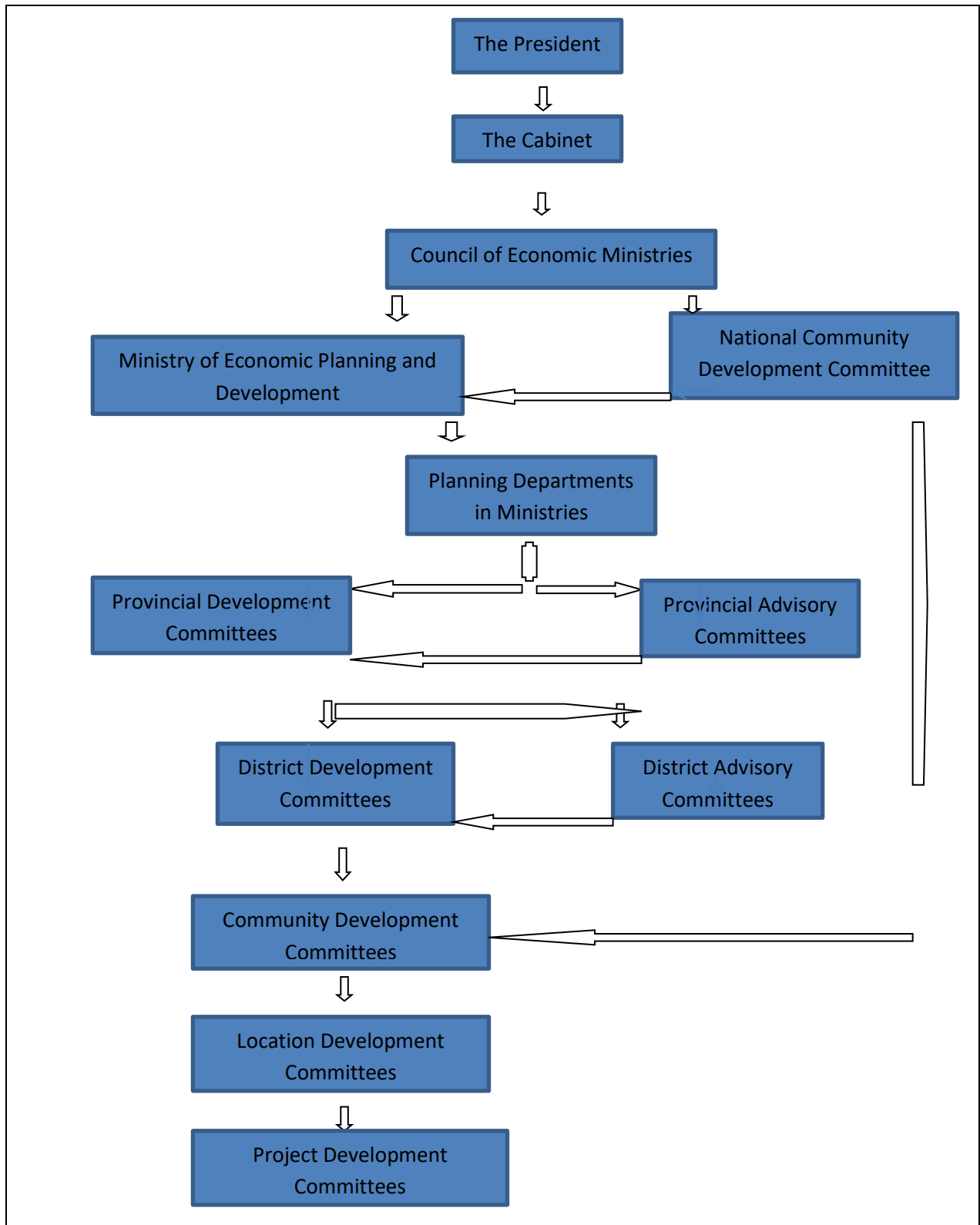
Source: Author's conception

Figure 1: Government structure for policy process

Regardless of the nature of the policy, regulatory or development, the central government dominated the entire policy process [8]. This domination could be construed to mean closed policy space or exclusive policy process. This process was difficult to penetrate and influence without strong persuasive skills which at that time had not been developed among the non-state actors. The "hard nut to crack" constrained any form of persuasion by non-state actors. In the case of regulatory policies, the process of policy formulation began from the Office of the Attorney General or the relevant ministry. The process involved the preparation of a cabinet paper which was then submitted to the cabinet for approval and once approved; a bill was prepared and submitted to parliament. When the bill was debated in parliament and approved it was given consent by the President and it became a law.

The preparation of development policies took a slightly different approach in the sense that sectoral working groups in the respective ministries and DDCs were involved and also the presidential committees or commissions specifically for policies related to addressing a crisis or disasters. Off course all these were state officials with no representation from non-state actors. The sectoral working groups comprised government officials from various government ministries and the DDCs. The policy papers produced by these working groups were submitted to the Ministry of Economic Planning and Development upon its discretion to either submit to cabinet for approval or go ahead and implement them without any other approval.

Subsequent development plans including Economic Recovery Strategy for Employment and Wealth Creation (ERSEWC) of 2003 and the current blue print, the Kenya Vision 2030 launched in 2007 by the then President Mwai Kibaki initially was perceived by the opposition as his party (PNU) strategy to win the general elections of 2007 which almost brought the country to its knees due to widespread and unprecedented violence, were developed through a wide consultative process with significant input from non-state actors including the business community, both national and international non-governmental organisations and the donor community [14]. This was perhaps the first indication that non-state actors were beginning to be officially engaging with state actors in public policy process. It seems there was a desire among state actors to make the process of developing these strategies more inclusive, this desire was observed when non-state actors were individually and collectively invited to make submissions, particularly for the Vision 2030 as its realisation was officially launched and a secretariat established to coordinate its implementation [15]. Although the Vision was launched in the election year by president Kibaki pundits perceived the launch as a campaign strategy in favour of his political party, Party of National Unity (PNU).

Ownership of the Vision became critical as the opposition party developed mixed feelings about the Vision. The formation of the Grand Coalition Government with Mwai Kibaki as the president and Raila Odinga as the prime minister helped to address ownership issues as the two had no choice but to harmonize their party manifestoes with the Vision. Given that the opposition had a large following and support, it was obvious that a large section of Kenyans would not develop ownership of the Vision. On the contrary, this was not the case. The Vision was collectively generated although the oversight was provided by the Government through its agencies, the National Economic and Social Council (NESC) and Vision 2030 Secretariat with further expectations that the Vision will win the support of at least majority of Kenyans. But wining public support for the Vision became overwhelming task as a large section of the general public perceived the Vision as one of those projects of the Government that are doomed to fail just like the others in the past. Overwhelming lack of information about the Vision among the majority of Kenyans, especially in the rural areas also contributed to ownership challenges. Nevertheless, the development of the Vision was another significant intervention by the government to foster inclusive public policy process through consultation with non-state actors [15].

Recently, there have been changes in the governance framework with the enactment of the 2010 Constitution which introduced devolution of power and resources at the two levels of government, the national and the country governments. The 2010 constitution also provides for citizen participation in public policy process both at the national and the county government levels. This has provided initial frameworks for open and inclusive public policy process as well as some indications that citizens can actively and meaningfully participate in public policy process at the national and county government levels. The decentralised governance frameworks also provide opportunities for intense interactions among state institutions and between the state and non-state actors in public policy process. Therefore, this process which began in the early 60s has continuously evolved. The argument that the policy process has been closed and exclusive is plausible. However, it becomes unsustainable when public policy process is conceptualised as a dynamic process involving power relations with actors with different interests competing for government attention and influencing policy decision and delivery process. In the foregoing, we focus on the perceptions of the state actors regarding inclusiveness of public policy process and the contribution of non-state actors in this process.

1.3 Analytical framework:

The analytical framework for this study was informed by power relations theory. To open up spaces where participation and citizens' voice can have influence in public policy process, will depend on the nature of the power relations which surround and imbue these potentially and more democratic spaces. Power relations have strong links with processes of citizen engagement, participation and deepening forms of democracy. Power relations operate in different spaces, levels and forms [16].

Policy spaces: A typology of three types of spaces (closed, invited and created or claimed) exist in dynamic relationship to one another, and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation. namely, closed, invited and created or claimed [16]. The policy process is a series of interlinked, overlapping spaces, traversed by different actors, ideas and practices. Policy spaces range from the more traditionally understood official spaces such as government bureaucracies, legislatures and assemblies to more autonomous spaces created by popular forms of action through social movements. In closed spaces policy decisions are made by a set of actors behind closed doors, without any pretence of broadening the boundaries for inclusion. With respect to invited spaces people including users, citizens and beneficiaries are requested by state actors or government to participate in public policy process [17]. Claimed or created spaces are opportunities ranging from ones created by social movements and community associations, to those simply involving natural places where people gather to debate, discuss and resist, outside of the institutionalised policy arenas [17].

Places and levels of power: Places or levels of power are contexts or locations within which power is exercised namely, local, national and global arenas. These spheres are interrelated for instance, globalisation is shifting traditional understandings of where power resides and how it is exercised, transforming traditional assumptions of how and where citizens mobilise to hold states and non-state actors to account [18] and [19]. For non-state actors, the changing local, national and regional levels of power pose challenges for where and how to engage. The interrelationships of these levels of power with one another suggest that the challenge for action is not only how to build participatory action at differing levels, but how to promote the democratic and accountable vertical links across actors at each level.

The forms and visibility of power: A typology of forms of power presents three forms namely, visible, hidden and invisible power [20]. Visible power refers to definable aspects of political power, the formal rules, structures, authorities, institutions and procedures of decision making. Empowering advocacy strategies that focus on strengthening organisations and movements of the people can build the collective power of numbers and new leadership to influence the way the political agenda is shaped and increase the visibility and legitimacy of their issues, voice and demands. This is what is termed as hidden power. Invisible power shapes the psychological and ideological boundaries of participation. Significant problems and issues are not only kept from the decision-making table, but also from the minds and consciousness of the different players involved, even those directly affected by the problem.

Our point of departure for our analytical framework therefore, that public policy process is made of power dynamics and relationships involving actors with interests which sometime differ. Policy actors can be grouped as state actors and non-state actors. While state actors consist of government officials and agencies, non-state actors consist of civil society including business corporates, private sector, faith-based organisations and non-governmental organisations. Policy actors' interests differ sometimes hence will influence different policies areas at different times. They use different spaces to resist or challenge coercive and dominant power of the state. In the process, they develop countervailing power to sustain their contribution and influence. Relations of power comprise power-holders, force and resistance all played out in different spaces, places and levels and forms. This study therefore, adopts an analytical foundation from [21] and [22] power cube which presents a dynamic understanding of how power operates, how different interests can be marginalised from decision-making, and the strategies needed to increase inclusion.

1.4 Methodology:

The methodology employed was a quantitative survey design. The study was undertaken in Nairobi, the central place for all government ministries. The study population was all 20 government ministries with one permanent secretary from each ministry answering the questionnaire on behalf of the ministry. A total of 20 permanent secretaries were involved in the study. It was important to involve all the 20 ministries because their number was manageable and the permanent secretaries were selected because they were better representatives of the ministries and were also in charge of public

policy process although, they work under the cabinet secretary. Data collection consisted of administering a questionnaire to all the 20 ministries. Analysis aimed at establishing measures of central tendency or statistical averages by simple descriptive statistics. This measurement enabled the study to summarise essential features of the respondents and to compare these features. A software analytical tool, SPSS was used to compute the measures and produced the following results.

2. RESULTS

2.1 Perceptions of state actors regarding inclusiveness and contribution of non-state actors

State actors confirmed that indeed non-state actors actively participate in public policy process. This participation is essentially collaboration. Table 1 below shows variations in state actors' collaboration with non-state actors.

Table 1: State actors' collaboration with non-state actors in public policy process

Non-state actors	No.	Percentage
National Non-Governmental Organisations	17	26.6 %
International National Non-Governmental Organisations	14	21.9 %
Private sector membership organisations	13	20.3 %
Multinational Telecommunication Corporations	4	6.2 %
Donor organisations	16	25.0 %
TOTAL	**64**	**100.0 %**

Source: Field data, 2016

State actors collaborate more with national non-governmental organisations and donor organisations than the rest of non-state actors at 26.6 percent and 25.0 percent respectively. They collaborate with International non-governmental organisation and private sector membership organisations at a close range, 21.9 percent and 20.3 percent respectively. They have less collaboration with the Multinational telecommunication corporations at only 6.2 percent. Table 2 below illustrates the collaboration with specific organisations.

Table 2: Examples of non-state actors' organisations that have collaborated with state actors

Non-state actors	Specific organisations
National Non-Governmental Organisations	Elimu Yetu Coalition, Centre for Social Planning and Administrative Development (CESPA), Water and Livelihood Reform Network (WLRN), Kenya Water Health Organisation (KWAHO), Health NGOs Network, Christian Health Association of Kenya, Kenya Muslims, TEGEMEO Institute, Help Age Kenya, CRADLE, Kenya Alliance of Residence Associations (KARA), Kenya Red Cross, Centre for Governance and Development (CGD).
International National Non-Governmental Organisations	Ecotourism Society of Kenya, Community based Tourism organisations, World Vision Kenya, Millennium Water Alliance, International Water Alliance, International Rescue Centre, Transparency International
Private sector membership organisations	Kenya Association of Tour Operators (KATO), Kenya Association of Hotelkeepers and Caterers (KAHC), Tourism Federation of Kenya (TFK), KEPSA, KAM, Africa Water Association, (AFWA), Kenya Healthcare Federation (KHF), Kenya National Farmers Federation, Public Service Vehicle Operators, Kenya Association of Air Operators, Kenya National Chamber of Commerce and Industry (KNCC&I), Kenya Chamber of Mines (KCM), Kenya Federation of Master Builders
Multinational Telecommunication Corporations	Safaricom
Donor organisations	UNICEF, UNFP, UNDP, UNESCO, German Agency for Technical Cooperation (GIZ), Swedish International Development Agency (SIDA), World Bank, AFDB, IMF, DFID, UN Women, World Anti-doping Agency (WADA), JICA, African Development Bank, UNEP and Shelter Afrique.

Source: Field data, 2016

It seems that national non-governmental organisations, private sector membership organisations and donor organisations participate in public policy process more than any other non-state actors. This could also imply that they draw on the power they have to resist state power and forms of exclusions from participating in policy process. This could also imply that they have more opportunities to influence public policy than the rest of non-state actors. These observations confirm the earlier observations.

In the last five years (2011 – 2016) state actors have collaborated several times with non-state actors. Majority of government ministries have collaborated with non-state actors more than five times. Table 3 highlights the number of times state and non-state actors have collaborated.

Table 3: Number of times state and non-state actors have collaborated

No. of times	NNGOs		INGOs		PSMOs		MNCs		DOs	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Once	0	00	1	5.3	1	5.3	1	5.3	0	00
Twice	0	00	1	5.3	2	5.3	10	52.6	0	00
Three times	1	5.3	1	5.3	1	5.3	1	5.3	1	5.3
Four times	1	5.3	1	5.3	3	15.8	0	00	1	5.3
Five times	1	5.3	3	15.8	0	00	1	5.3	1	5.3
More than five times	16	84.2	12	63.2	12	63.2	6	31.6	16	84.2
TOTAL	No.								19	
	Percent								100.0 %	

Source: Field data, 2016

Most government ministries (84.2 percent) have collaborated with national non-governmental organisations and donor organisations more than five times. Less number of times is observed in collaboration between government ministries and multinational corporations. Only 31.6 percent of government ministries have collaborated with multinational corporations more than five times. This could mean that multinational corporations have less contact with state actors, thus they may also have less influence to public policy process. All government ministries have collaborated with national non-governmental organisations at least once. The same can be said of international non-governmental organisations.

2.2 Policy areas of state and non-state actors' collaboration:

State actors have collaborated with non-state actors on various policy areas including education, health, security, agriculture, trade, environment, communication, housing, transport, energy and water. Table 4 below summarises the main areas of collaboration.

Table 4: Policy areas collaborated

Policy area	NNGOs		INGOs		PSMOs		MNCs		DOs	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Education	5	2.5	0	00	5	2.5	2	1.0	6	3.0
Health	7	3.5	5	2.5	4	2.0	2	1.0	7	3.5
Security	4	2.0	2	1.0	2	1.0	1	0.5	2	1.0
Agriculture	5	2.5	5	2.5	4	2.0	2	1.0	5	2.5
Trade	1	0.5	3	1.5	4	2.0	3	1.5	2	1.0
Environment	3	1.5	4	2.0	1	0.5	1	0.5	3	1.5
Communication	3	1.5	2	1.0	2	1.0	5	2.5	2	1.0
Housing	2	1.0	0	00	4	2.0	3	1.5	2	1.0
Transport	1	0.5	2	1.0	2	1.0	0	00	3	1.5
Energy	2	1.0	5	2.5	4	2.0	3	1.5	4	2.0
Water	3	1.5	4	2.0	3	1.5	1	0.5	3	1.5
Other	8	4.0	6	3.0	9	4.5	3	1.5	10	5.1
TOTAL	No.								201	
	Percent								100.0 %	

Source: Filed data, 2016

Apparently, state actors collaborate more with donor organisations in several public policy areas with a total average of 24.6 percent. This is closely followed by collaboration with non-governmental organisations and private sector membership organisations at 22.0 percent each. The least collaboration (13.0 percent) is observed between state actors and multinational corporations. Health policy area attracts the highest number of collaborations (25) representing 12.4 percent. It is followed by agriculture (21), education (18) and energy (18), representing 10.5 percent, 8.9 percent and 8.9 percent respectively. Transport has the least collaboration (8) representing 4.0 percent only. Other policy areas of collaboration (36) represent 17.9 percent.

2.3 Objectives of the policies:

The above policy areas had various policy objectives including achieving sustainable development goals related to water; improving national coverage of water and sanitation services; enhancing integrated water resources management across economic sectors; enhancing multipurpose infrastructure development. Table 5 below summarises the policy objectives. Agriculture, trade and water had the highest number of policy objectives. However, this does not necessarily mean that these policy areas involved more non-state actors in the policy process.

Table 5: Policy objectives

Policy area	Policy objectives
Education	To promote peace education; To mainstream gender in education; To improve the quality of education.
Health	To improving access to quality health care; and to improve health standards and sanitation
Agriculture	To enhance sugar industry's contribution to national economy; To ensure sustainable soil resource management; To enhance food security and nutrition; To promote extension services; To conserve soil and water; To insure national crop and livestock; To promote agriculture education, consumption of organic food, sustainable production and agroforestry.
Trade	To develop special economic zones in industrial parks; To improve business climate; To promote sector value chain and value addition in textile and leather industry; To promote agroprocessing, agroindustry, job creation, foreign direct and investments attraction. To increase contribution of manufacturing sector to GDP; and to reduce the cost of doing business.
Environment	To conserve the environment
Communication	To ensure government visibility, accessibility and accountability; To promote public trust and confidence; To steer ICT development over a five-year plan starting 2014 financial year; and to enhance competitiveness in telecommunication.
Transport	To develop infrastructure; and to ensure road safety and protection
Water	Achieving sustainable development goals related to water; improving national coverage of water and sanitation services; enhancing integrated water resources management across economic sectors; enhancing multipurpose infrastructure development; increasing public-private and community partnership and initiative in water sector; and improve members of county assembly capacity to engage in policy and legislative reforms particularly, water sector reforms.
Gender	To empower women economically; and to promote girl child education
Housing	To increase housing for the urban dwellers; and to reduce the cost of housing.
Tourism	To promote sustainable tourism development
Special programme	To build capacity for response and mitigation
Sports	To improve sports and development; and to promote cultural integration

Source: Field data, 2016

These objectives indeed reflect the main issues of interest to non-state actors observed in the earlier discussion. They also confirm that non-state actors have participated in public policy in the areas they stated. They come to collaborate by invitation, law and request as shown in Table 6 below.

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Table 6: How the non-state actors get into collaboration with state actors

Method	No.	Percentage
By invitation	15	42.9 %
NSA request to be involved	7	20.0 %
Obedience to the law	13	37.1 %
TOTAL	**35**	**100.0 %**

Source: Field data, 2016

Invitation (42.9) percent and obedience to the law (37.1) percent are the main methods used by state actors to get non-state actors participate in public policy process. However, a significant number of non-state actors (20.0) percent make official request to be involved in public policy process. The implication for these methods is that the existing framework for participation in the Constitution of Kenya makes it possible for non-state actors to participate in public policy process. Where space for participation is denied or restricted, non-state actors directly request to be involved. However, in most situations the determinant of which non-state actors should participate or be involved in public policy process regarding a specific public policy issue(s) are the permanent secretaries in the ministries. Table 7 bellow shows which state actor determines which non-state actor should participate in the public policy process regarding a specific public policy problem. Most state actors also coordinate public policy processes, though some play the role of participation.

Table 7: Determining who participates in public policy process

State actor	No.	Percentage
Cabinet Secretary	8	25.0 %
Permanent Secretary	15	46.8 %
The law (Constitution)	9	28.1 %
TOTAL	**32**	**100.0 %**

Source: Field data, 2016

The Constitution also significantly (28.1 percent) determines who should be involved or participate in public policy process. Participation is made possible because the Constitution guarantees and encourages citizen participation in public policy process.

2.4 Level of collaboration:

Majority of state actors (67.9 percent) collaborate with non-state actors at the national level while a few of them collaborate with non-state actors at county government (17.9 percent) and community (14.3 percent) levels as shown in Table 8 below.

Table 8: Level of collaboration

Level of collaboration	No.	Percentage
National	19	67.9 %
County	5	17.9 %
Community	4	14.3 %
TOTAL	**28**	**100.0 %**

Source: Field data, 2016

Strategies state actors use to ensure their points of view prevail:

In many instances state actors, views on policies differ from those of non-state actors. In these situations, state actors result to three main strategies to ensure their positions prevail and form the main decision. Table 9 below highlights the main three strategies used by state actors to influence public policy decisions in their favour.

Table 9: Strategies used by state actors to influence policy decisions in their favour

Strategy	Frequency	Percentage
Appeal to government authority	6	31.6 %
Coerce non-state actors	3	15.8 %
Consensus building	6	31.6 %
Ignore the views of non-state actors	2	10.6 %
No strategy	2	10.5 %
TOTAL	**19**	**100.0 %**

Source: Field data, 2016

Appeal to government authority and consensus building are used by majority of state actors. The implication of these strategies is that consensus building may be the best strategy as it respects the views of other actors and also tends to generate better policy options. But appeal to government authority may work towards defending the original position of state actors even if the position is unpopular among other policy actors.

In contrast to the state actors, non-state actors employ several strategies to influence public policy. The strategies that are used more often by non-state actors include direct engagement with state actors (63.2 percent), media invites (63.2 percent), building coalitions (63.2 percent), print-media (63.2 percent), conference (68.4 percent), networking (68.4 percent) and breakfast meetings (68.4 percent). Table 10 below highlights these strategies.

Table 10: Strategies used by non-state actors to influence public policy

Strategy	Not used		Rarely used		Used more often		Highly used	
	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
Direct engagement with state actors	0	00	1	5.3	12	63.2	6	31.6
Community mobilisation	1	5.3	1	5.3	9	47.4	8	42.1
Preparing and presenting position papers	2	10.5	2	10.5	9	47.4	6	31.6
Conducting fact findings and publications	0	00	6	31.6	9	47.4	4	21.1
Research	0	00	8	42.1	9	47.4	2	10.5
Information sharing	1	5.3	2	10.5	9	47.4	7	36.8
Media invites	0	00	5	26.3	12	63.2	2	10.5
Using champions	1	5.3	11	57.9	7	36.8	0	00
Building coalitions	2	10.5	3	15.8	12	63.2	2	10.5
One-on-one discussions with legislatures	2	10.5	7	36.8	9	47.4	1	5.3
Print media	1	5.3	3	15.8	12	63.2	3	15.8
Conference	0	00	1	5.3	13	68.4	5	26.3
Networking with other policy actors	0	00	0	00	13	68.4	6	31.6
Social accountability	0	00	6	31.6	9	47.4	4	21.1
Breakfast meetings	2	10.5	3	15.8	13	68.4	1	5.3
Boardroom meetings	0	00	1	5.3	11	57.9	7	36.8
Public demonstrations	0	00	8	42.1	7	36.8	4	21.1
Vigils	6	31.6	5	26.3	5	26.3	3	15.8
Letter writing	1	5.3	4	21.1	10	52.6	4	21.1
Campaigns	2	10.5	3	15.8	9	47.4	5	26.3
Human rights education	2	10.5	3	15.8	10	52.6	4	21.1
Direct lobbying	0	00	6	31.6	10	52.6	3	15.8
Targeted appeals	0	00	7	36.8	11	57.9	1	5.3
Email petitions and other online actions	2	10.5	8	42.1	7	36.8	2	10.5
Partnership with local campaign groups	0	00	9	47.4	10	52.6	0	00
Community activities	1	5.3	11	57.9	5	26.3	2	10.5
Co-operation with student groups	1	5.3	10	52.6	5	26.3	1	5.3
TOTAL	**Frequency**						**19**	
	Percentage						**100.0 %**	

Source: Field data, 2016

There are many similarities between these strategies and those already discussed in the earlier sections of this article. It seems that non-state actors have several strategies at their disposal for use. Some of the strategies are probably preferred by non-state actors because they are less costly, require less time to prepare and are user friendly.

2.5 Non-state actors opening spaces for inclusive policy process:

It is interesting to note that state actors also agree that non-state actors have contributed a great deal in opening public policy spaces for inclusive policy process. They also agree that non-state actors participate effectively in public policy process. Table 11 below highlights these views and others.

Table 11: Percentage of state actors that agreed to the following statements

Statement	No.	Percentage
Non-state actors participate effectively in public policy process in Kenya.	17	20.0 %
The views of non-state actors are ignored in public policy process.	2	2.4 %
Government and other state actors dominate the public policy process in Kenya.	11	12.9 %
There are not enough frameworks to enable non-state actors to participate effectively in public policy process.	6	7.1 %
Non-state actors effectively resist government and other state actors domineering power.	4	4.7 %
Non-state actors have power to influence public policy decisions in their favour.	10	11.8 %
Non-state actors create spaces to influence public policy in Kenya.	16	18.8 %
Non-state actors have contributed great deal in opening policy spaces for inclusive public policy process in Kenya.	19	22.4 %
TOTAL	**85**	**100.0 %**

Source: Field data, 2016

There is no doubt that non-state actors participate effectively in public policy process in Kenya as agreed by 20.0 percent of the state actors surveyed. It is also important to observe (18.8 percent) that non-state actors create policy spaces which they use to participate in public policy and influence decision and delivery processes. Majority of state actors (22.4 percent) also agree that non-state actors have contributed a great deal in opening up policy spaces to enable inclusive public policy process.

3. DISCUSSION

3.1 From closed to inclusive policy process:

The public policy process framework that existed in Kenya for almost four decades after independence in 1964 did not support inclusive public policy process and the contribution of non-state actors to public policy. The policy process was therefore closed. However, gradual changes to the governance framework opened a window of opportunity for non-state actors to begin voicing their concerns to the government. The two critical events that increased citizens' voice in public affairs were the reintroduction of multiparty democracy in 1992 that lead to the review of the Independent constitution subsequently, the adoption of the 2010 constitution. These two events changed the public policy framework in Kenya hence, non-state actors were mandated to actively participate in public policy process.

3.2 Participation in public policy process varies between non-state actors:

State actors indeed collaborate with non-state actors in various policy areas and levels. Their collaboration also varies from one group of non-state actors to another. State actors collaborate more with national non-governmental organisations and donor organisations than the rest of non-state actors. National non-governmental organisations, private sector membership organisations and donor organisations participate in public policy process more than any other non-state actors. This could also imply that they draw on the power they have to resist state power and forms of exclusions from participating in policy process. This could also imply that they have more opportunities to influence public policy than the rest of non-state actors. Most government ministries have collaborated with national non-governmental organisations and donor organisations more than five times. But multinational corporations have had less contact with state actors. All government ministries have collaborated with non-governmental organisations at least once. But state actors have collaborated more with donor organisations in several public policy areas. Health policy area attracts the highest number of collaborations followed by agriculture, education and energy. Transport has the least collaboration.

3.3 Coercive power of state actors prevails:

Permanent secretaries and other state actors are likely to maintain their influence by controlling who gets to the decision-making table and what gets on the agenda. The multiple forms of power also pose challenges for non-state actors trying to change power relations. Some groups have focused on advocacy approaches, challenging the visible forms of power in visible arenas through public debate, informed research and working to influence public representatives. While other non-

state actors have focused on mobilising and collective action strategies, which work to challenge barriers which prevent certain actors and forms of knowledge from entering public arenas in the first place, others have focused more on changing the invisible, internalised forms of power, through awareness and consciousness-building campaigns.

Invitation and obedience to the law are the main methods used by state actors to get non-state actors participate in public policy process. However, a significant number of non-state actors make official requests to be involved in public policy process. They are driven by the Constitution which makes it possible for non-state actors to participate in public policy process. Where space for participation is denied or restricted, non-state actors directly request to be involved. However, in most situations the determinant of which non-state actors should participate or be involved in public policy process regarding a specific public policy issue(s) are the permanent secretaries in the ministries.

There are also new invited spaces in which both state and non-state actors are encouraged to come together for more consultative and deliberative forms of interaction. Hence there is multiplicity of spaces which are potentially relevant for attempts to influence policy process. But this multiplicity may create tension between different actors. The actors that create spaces affect who enters it, the forms of knowledge considered appropriate there and how people participate within it. In examining the spaces for participation in public policy, it is important we understand how spaces have been created, with whose interest and what terms of engagement.

Determining who is invited and participates in public policy process, could be a way of closing spaces, making decisions by a set of actors behind closed doors without any pretence of broadening the boundaries for inclusion. The cabinet and permanent secretaries, other bureaucrats, experts and elected representatives in many instances have made decisions and provided services to the people without involving them in wider consultation. For a few non-state actors, invited spaces have been regularised or institutionalised by state actors. For others, invited spaces are on-going or more transient through one-off forms of consultation. Regularised invited spaces present a better opportunity for non-state actors to influence public policy decision and delivery process.

3.4 The way forward for non-state actors:

Non-state actors need to be very careful as they respond to invited spaces because closed spaces may seek to restore legitimacy by creating invited spaces. Similarly, invited spaces may be created from the other direction, as more autonomous people's movements attempt to use their own fora for engagement with the state. Equally important, non-state actors need to be cognizant that power gained in one space, through new skills, capacity and experiences, can be used to enter and affect other spaces. Therefore, the transformative potential of spaces for participatory governance must always be assessed in relationship to the other spaces which surround them. Moreover, the creation of new institutional designs of participatory governance, in the absence of other participatory spaces which serve to provide and sustain countervailing power, might easily be captured by the already empowered state actors.

As spaces interrelate with each other, these may create challenges for non-state actors' strategies of engagement. Therefore, to challenge closed spaces, non-state actors may serve the role of advocates, arguing for greater transparency, more democratic structures, or greater forms of public accountability. But as new invited spaces develop, non-state actors may need other strategies of how to negotiate and collaborate, which may require shifting from more confrontational advocacy methods to dialogue. The places of participation also need to be flexible, adaptable continuum, not as a fixed set of categories because the changing local, national and regional levels of power pose challenges for where and how to engage.

4. CONCLUSION

Majority of state actors collaborate with non-state actors at the national level while a few of them collaborate with non-state actors at county and community levels. Appeal to government authority and consensus building are the main strategies used by majority of state actors. The implication of these strategies is that consensus building may be the best strategy as it respects the views of other actors and also tends to generate better policy options. Appeal to government authority may work towards defending the original position of state actors even if the position is unpopular among other policy actors. In contrast to the state actors, non-state actors employ several strategies to influence public policy. The strategies that are used more often by non-state actors include direct engagement with state actors, media invites, building coalitions, print-media, conference, networking and breakfast meetings. It seems plausible that non-state actors participate

effectively in public policy process in Kenya. It is also important to observe that non-state actors create policy spaces which they use to participate in public policy and influence decision and delivery processes. Majority of state actors agree that non-state actors have contributed a great deal in opening up policy spaces to enable inclusive public policy process.

Going by these revelations, this article concludes that there has been significant improvement in inclusive public policy process in Kenya. A process which began as closed in the 60s, 70s and 80s, had the 90s as a turning point and since then, there has been gradual and meaningful inclusion of non-state actors in public policy process. However, there exists coercive power of the state actors as they influence policy decisions using government authority and permanent secretaries continue to determine who they collaborate with and who is invited to participate in a specific policy issue.

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