



KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)

PUBLIC PARTICIPATION POLICY AND GUIDELINES

2017

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FOREWORD

KEPHIS, in carrying out its activities, appreciates the need for the involvement of citizens in policy-making, implementation and other regulatory activities to strengthen and deepen democratic governance. It is through active public participation that evidence-based policy-making and responsive service delivery can take place.

This policy and guidelines aim to improve and provide a guide to the process of public participation. KEPHIS also hopes to monitor success of the guidelines and the degree to which it assists the Service to achieve its mandate.

Dr. Esther W. Kimani

Managing Director

1. INTRODUCTION

- 1.1. Public participation is the process by which an entity consults with other entities, government or private, governments, international bodies and affected or interested individuals in decision making and gives consideration to the input given before reaching a decision.
- 1.2. The principle of public participation is enshrined in the Constitution of Kenya, 2010, the supreme law of the land. Articles 10 and 232 highlight the principle of public participation as a key value and principle of governance.
- 1.3. In effect, the Constitution mandates all state organs and state officers to conduct a public participation process before enacting or interpreting any law and implementing any public policy decision.
- 1.4. It is undeniable that public participation is an essential element in public administration as well as a core ingredient in development and democracy. However, lack of guidelines has led to the informal use of public participation resulting to incomplete take up and minimal benefits of the principle. Public participation should therefore be highly encouraged to instill principles of democracy and accountability in public institutions.
- 1.5. In developing a public participation policy, KEPHIS aims at developing a guide that will among other aims, state how the policy will be implemented and identify the targeted stakeholder's for public participation.

2. PURPOSE OF PUBLIC PARTICIPATION

2.1. Legislative framework governing public participation

As previously mentioned, the principle of public participation is enshrined under Articles 10(2)(a) and 232(1)(d) of the Constitution of Kenya, 2010. Article 10 states that the national values and principles of governance bind all state organs, state officers and public officers in the event any of them enacts, applies or interprets any law or makes or implements public policy decisions. This article includes public participation as one national values and principles of governance.

Article 232 highlights the principles and values of public service to include involvement of the people in the process of policy making. The Constitution thus makes it a legal mandate for the national government, county governments and state officers to involve the public in policy making.

2.2 Aim of public participation

Public participation has long been used as a means of democratic decision making processes. The main aim of this policy is to provide clarity and guidance on how to achieve the results and benefits of public participation. Other aims this policy seeks to achieve include:

- a) ensuring that stakeholders affected by the decisions made are involved from the beginning;
- b) provision of expertise and knowledge in policy development; and
- c) informing the stakeholders about proposed policies, actions and other regulatory activities;

3. STAKEHOLDERS

KEPHIS was established by the Kenya Plant Health Inspectorate Service Act Number 54 of 2012 as regulatory body for the protection of plants, seeds and plant varieties and agricultural produce. The Act also empowers KEPHIS to administer several written laws that relate to plant protection. In the country, KEPHIS is the recognized National Plant Protection Organization. To this end, KEPHIS is expected to maintain stakeholder participation in plant protection matters. KEPHIS is also expected to define the roles, responsibilities and rights of these stakeholders as well as make arrangements to ensure stakeholder participation in plant protection matters.

In this policy, stakeholders shall refer to individuals, groups, communities, organizations, associations or authorities whose interests may be affected, positively or negatively, by the proposals, laws, regulations or activities of KEPHIS. The term shall also refer to those concerned with the proposals or activities of KEPHIS and their outcomes.

3.1. Levels of public participation

The International Association for Public Participation has developed a Public Participation Spectrum to assist groups in defining the public's role in any public participation process.

The spectrum is as below:

- a) Inform- to provide the public with information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
- b) Consult- to obtain public feedback on analysis, alternatives and/or decisions.
- c) Involve- to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

- d) Collaborate- the objective is to work with the public as a partner on each aspect of the decision, including the development of alternatives and the identification of the preferred solution.
- e) Empower - the objective is to place final decision-making in the hands of the public.

KEPHIS adopts this spectrum in a bid to identify the relevant stakeholders it should involve in each project.

The Stakeholders to be involved include, but are not limited to:

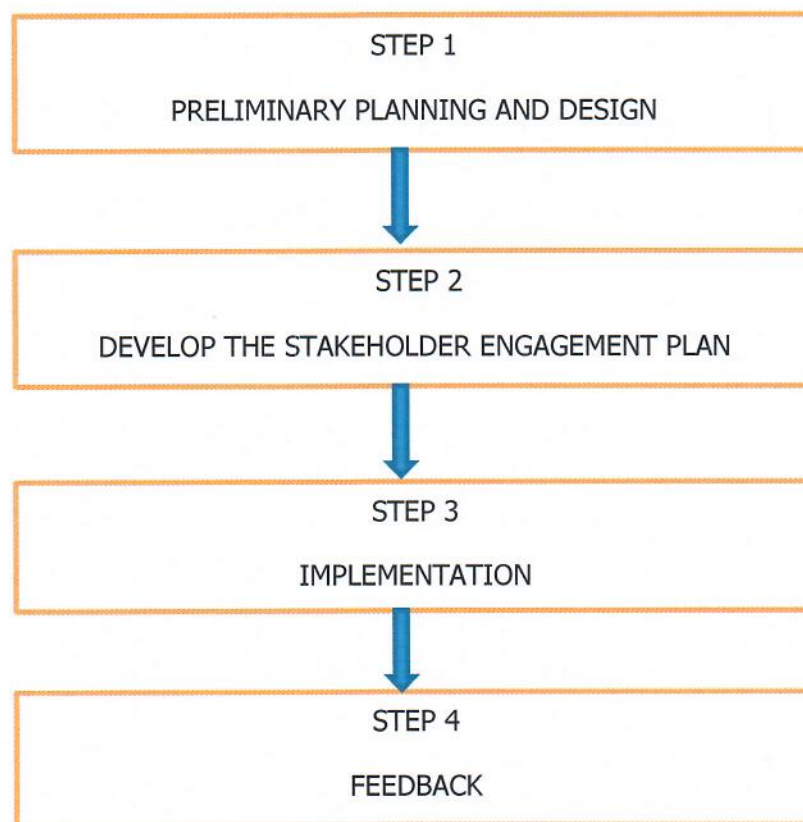
- a) KEPHIS staff
- b) General Public
- c) Farmers
- d) The Business community/ private sector
- e) Ministry of matters relating to Agriculture
- f) National Treasury
- g) State Law Office
- h) National Assembly
- i) Senate
- j) Research Institutions
- k) Port Authorities
- l) Enforcement Authorities
- m) County Governments
- n) Kenya Law Reform Commission
- o) Trade Agencies

4. PUBLIC PARTICIPATION GUIDELINES

In adopting this policy, KEPHIS has developed Public Participation Guidelines that gives a step to step guidance on how the Public Participation Policy will be conducted.

4.1 Steps to be followed in Public Participation

In conducting public participation, the following steps shall be followed:



4.1.1 Preliminary Planning and Design

This stage shall encompass:

- a) identification of the issues to be discussed;
- b) stakeholder identification and analysis;
- c) formation of the team to conduct the process;

- d) approvals.

4.1.2 Stakeholder Engagement Plan

- a) establish objectives to be reached;
- b) involve identified key stakeholders;

4.1.3 Implementation

- a) determine public participation method;
- b) prepare to provide and receive information;
- c) outline roles and responsibilities;
- d) prepare budget for the process;
- e) follow the outlined plan.

4.1.4 Feedback

- a) provide and receive information;
- b) monitor the overall process;
- c) give feedback to stakeholders.

4.2 Methods of communication to the stakeholders

In identifying the most appropriate method of communication to stakeholders, KEPHIS shall consider the following issues:

- a) what existing forms of communication exist?
- b) what is the level of expertise of the shareholder identified?
- c) what types of communication will not be appropriate?
- d) are there communication mediums that are considered to be more trustworthy than others?
- e) what opportunities or limitations exist for the use of that medium?

In designing the tool or medium of communication, KEPHIS shall consider the following factors:

- a) who is the targeted stakeholder?

- b) what is the target stakeholder's current level of knowledge and understanding about the issue for discussion?
- c) what information is needed for the stakeholder to be able to understand and provide meaningful input to the discussion?
- d) what are the most direct and effective ways to communicate this information?
- e) what are the stakeholder's preferences for receiving information?

5. SUMMARY OF THE STAKEHOLDER ENGAGEMENT PROCESS

What is the issue to be discussed?	Who are the stakeholders to be involved?	What is their level of participation in the process?	What information and support do they want?	What tools will be used to maximize their involvement?	What resources are required to achieve effective participation
		Do they want to be consulted, informed, involved, empowered or collaborated with?	Do they understand the issues to be discussed? What form of support will be required for there to be meaningful participation?	How will KEPHIS involve, consult, inform, involve, empower or collaborate with them?	➤ Does KEPHIS need to provide funding for the participation process? ➤ What information tools area available? (print media, emails, meetings etc)

6. PUBLIC PARTICIPATION SPECTRUM

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
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PUBLIC PARTICIPATION GOALS

To provide the stakeholders with all information necessary to assist them in understanding the issue for discussion, proposed solution, alternatives and opportunities	To obtain feedback, on analysis, suggestions and alternatives.	To work directly with the stakeholders throughout the process to ensure that stakeholder concerns are understood and considered.	To partner with stakeholders in decision making, development of alternatives and in crafting solutions.	To have an autonomous decision making by the public.
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PROMISE TO THE STAKEHOLDERS

We will keep you informed	We will keep you informed, listen to and acknowledge concerns and provide feedback on how your input has influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback and how your input has influenced decision making	We will look to you for direct advice and in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide
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EXAMPLES OF TECHNIQUES

➤ KEPHIS website ➤ Notices	➤ Surveys ➤ Meetings ➤ Focus groups	➤ Workshops	➤ Consensus Building ➤ Forums ➤ Advisory committees	➤ Delegated decision making
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7. REVISION OF THE POLICY

This Policy shall be revised every three years from the date of its implementation.

8. REFERENCES

8.1 The Constitution of Kenya;

8.2 International Association for Public Participation Spectrum;

8.3 Public Participation Framework for the South African Legislative Sector, 2013;

8.4 Public Participation Guidelines for Stakeholders in the Mining Industry, South Africa, 2002.

8.5 Template for Developing Guidelines on Public Participation, 2010.

Signature

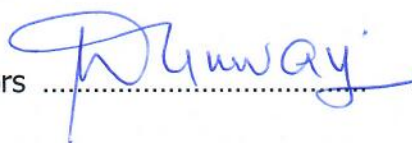
Date

Managing Director



24/7/2017

Chairperson, KEPHIS Board of Directors



28/7/2017

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