



REPUBLIC OF KENYA

**PUBLIC SERVICE  
COMMISSION**

GUIDELINES FOR PUBLIC  
PARTICIPATION IN POLICY  
FORMULATION

21ST JANUARY, 2015

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## 1.0 INTRODUCTION

Public participation is an overarching national value and principle contained in Article 10 of the Constitution which is binding on all State Organs and public Servants. It is a guiding principle for achieving good governance under the political pillar in the Kenya Vision 2030.

Participation of the public is the deliberative process by which citizens, civil society organizations, and government actors are involved in policy-making and implementation before decisions are made. It recognizes the pluralism of aims and values, and enables collaborative problem-solving designed to achieve more legitimate policies.

The objective of these guidelines is to ensure that:

- a. Communication of scope and impact of public service policy, decision implementation and administrative act reaches the public;
- b. Consultation and notification to all persons concerned or likely to be affected by the public service policy, decision, implementation and administrative act is effective;
- c. Identification of the public and persons concerned or likely to be affected by a policy, decision or administrative act is accurate and inclusive;
- d. The process and mode of communication and participation, consultation and notification accords the public and persons concerned or likely to be affected, an opportunity to input in the process; and
- e. The input of the public is given due consideration.

### 1.1 Definition of Public Policy

In these guidelines, public policy means a system of laws, regulatory measures, guidelines, frameworks and funding priorities concerning any issue promulgated by a State organ or its representatives.

### 1.2 Legal Framework

The Constitution of Kenya, 2010 provides a strong constitutional and legal foundation for enhancement of participatory governance. Public participation is anchored in Articles 10 (2) (a) and 232 (1) (d) as a key value and principle of governance. The Constitution contemplates that people's needs must be responded to, and the public must be encouraged to participate in policymaking. Article 232 (2) requires both the national government, county governments and all State Corporations to ensure and facilitate public participation in policy making while Article 10 (1) (b) requires State officers, state organs, public officers and all person when interpreting the Constitution, enacting, applying or interpreting any law, or making or implementing public policy to adhere to the values and principles of public service. The importance of public participation is to strengthen and deepen democratic governance.

### 1.3 General Principles

Public participation requires State organs, State officers and public officers to engage the citizens and share in agenda-setting and to ensure that policy and legal proposals generated jointly will be taken into account in reaching an inclusive decision. Participation shall be initiated at all stages of the policy development process and shall be deemed as a mandatory interactive process, serving to infuse citizens' values and priorities throughout the policy cycle and development of legal instruments.

#### 1.4 Rationale for Guidelines

These guidelines have been developed pursuant to the provisions of Articles 10, 232(1)(d) and 234(1)(c) and (b). The guidelines are a generic template which State organs and departments can use to develop their own internal guidelines that are unique and suitable to their mandate.

#### 1.5 Scope and Applicability

These guidelines shall apply to all Ministries, State departments, State agencies, State Corporations and any other State or public body or their representatives or assigns when developing public policy as defined in these guidelines.

## 2.0 PUBLIC PARTICIPATION PROCESS

### 2.1 Commencement of Public Participation

A State organ shall:

- a. Adhere to the provisions of Articles 10 (2)(a), 35 and 232 (1) (d)
- b. Consider legislation specific to the organ and the legislation applicable to service delivery in the sector.
- c. Provide adequate opportunities and notice to stakeholders to voice their opinions.
- d. Ensure proper logistical arrangements including the recording of stakeholder inputs.
- e. Ensure the purpose of the session is clearly explained to stakeholders.

## 2.2 Determination of Stakeholders

A State organ shall:

- a. Develop clear criteria for identification of stakeholders.
- b. Identify stakeholders, their interests in operations and programmes of the entity and roles in the participation process.
- c. Determine which stakeholders should be involved and the contribution expected from the different stakeholders.
- d. Identify appropriate methods to inform stakeholders about the public participation process.
- e. Determine the method that would be most effective in making stakeholders aware of the public participation processes.

## 2.3 Development of an Action Plan

A State organ shall:

- a. Identify the public participation approach that would be most appropriate under the specific circumstances of the entity e.g, interactive website, public meetings, workshops, print and electronic media.
- b. Determine strengths and weaknesses of the relevant approaches.
- c. Select a participation approach based on cost effectiveness, reach, and stakeholder expectations.
- d. Identify organizational capacity required in terms of facilitation skills, research skills, mediation skills, and interviewing skills

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- e. Ensure that there is a strategy to fulfil the capacity needs and that stakeholders are empowered to meaningfully participate in the process.
- f. Identify capacity needs of stakeholders to participate in public participation.
- g. Develop a detailed action plan indicating responsibilities, timelines, milestones, activities and resource requirements for each activity.

#### 2.4 Provision of Feedback to Stakeholders

A State organ shall provide stakeholders with feedback on the incorporation of their inputs in policy decisions by ensuring that the final policy document has been publicized in the organ's website or published a daily news paper with a wide circulation or in the gazette as appropriate.

### 3.0 MONITORING AND EVALUATION

Public participation processes shall be reviewed regularly or as necessary to address challenges and constraints experienced in the process and to ensure usefulness of the entity's public participation processes.

The State organ shall ensure that:

- a. Effective instruments and indicators are used to evaluate whether the public participation objectives have been achieved.
- b. Constraints and challenges in the public participation process have been identified.
- c. Ways to improve public participation have been devised.



- d. Lessons learnt from the process have been documented and used in planning future public participation initiatives.

## 4.0 REVIEW OF GUIDELINES

These guidelines may be reviewed from time to time as circumstances shall determine.

Dated ..... the.....of  
.....2015



**Prof. Margaret Kobia, CBS**  
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