



Practice of Policy and Strategy Development in Kenya

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Presentation Outline



- Policy Development and Review
- Policy and Law
- Policy Circle/Process
- Key Stages in Policy Development
- Legal and regulatory frameworks
- Sector Strategy Development



Policy Development and Review



Meaning of Policy

- A policy is a deliberate system of principles to guide decisions and achieve rational outcomes.
- Policies are written or stated political, management, financial, and administrative statements of intent arranged to reach explicit goals.
- Term may apply to government, private sector organizations and groups, & individuals.
- The term '**government policy**' can be used to describe any course of action which intends to change a certain situation.



Policy Development and Review



Meaning of Policy

- Government uses policy to tackle a wide range of issues. This include resource allocations to different sectors of the economy, employment creation, taxation, food security, education, health, defence etc
- Examples: Sessional Papers, National policy documents, Presidential executive orders, corporate privacy policies, and parliamentary rules of order.



Policy Development and Review



Sources for Policy Development and Review

The initiation of a sector policy development process or review within Government may emanate from the following

- National Strategies that impact the agriculture sector and call for development of new or review of existing policies and laws
- High level executive direction e.g. The Big Four
- Sector challenges as experienced and expressed by stakeholders through various channels e.g. Stakeholders' Associations/organizations, lacunas in law leading to poor regulation by state corporations
- The external environment that includes our bilateral, regional and multilateral partners through treaties, declaration and conventions



Policy Development and Review



Policy Circle/Process:

- refer to the process of making important organizational decisions, including the identification of different alternatives such as programs or spending priorities, and choosing among them on the basis of the impact they will have against set objectives.



Policy and Law



- **Policy & Law:**

- While law (Constitutions, Acts of Parliament and regulations) can compel or prohibit actions/behavior, policy merely guides actions toward those that are most likely to achieve a desired outcome.
- While developing, reviewing and implementing government policies, those provisions of the policy that require the force of law to have effect are then reduced to Bills and enacted into statutes by Parliament
- To operationalize the statutes, regulations are developed and gazetted by respective Cabinet Secretaries & the Office of the Attorney General and Dept. of Justice



Key Stages in Policy Development

1. Policy Concern/Review

- Generation of policy concept notes from stakeholder policy concerns
- Informs the initiation of policy process

2. Data Collection and Analysis

- Entails policy research and analysis
- Collecting and analysis of ex ante information on policy impact and modelling

3. Development of Draft Policy documents

- Iterative process of drafting and sharing initial and improved drafts with various stakeholders during policy dialogue

4. Policy Dialogue

- Tabling and discussions on entail and subsequent policy drafts with specific and County stakeholders
- County-based dialogue undertaken through JASCOM TWG on Policy, Regulations and Standards

5. Ministerial buy-in CS/PS

- Presentation of the advanced policy drafts to Ministry top-management for buy-in and final ministerial approval

6. Cabinet Approval

- Development of a Cabinet Memorandum on the Policy/Bill with request for Cabinet direction/approval
- Cabinet approval prerequisite for implementation of Policy and tabling of Sessional paper in Parliament



Key Stages in Policy Development

7. (a) Ordinary/national Paper

(b) Sessional Paper

- Ordinary Policy document published for implementation upon approval by Cabinet
- Sessional papers require bipartisan approval by the house. Paper does not go through the 3 readings, House discusses paper through Committee of the whole house

8. Generation of Govt Bill

- Where a Bill is required to enforce Policy the relevant Ministry initiates the development of draft Bill
- Private member may also generate a Bill

9. Parliament (NA or Senate)

- Both Houses of Parliament discuss and pass Sessional papers
- Bills may be tabled first in either Houses. Money Bills must be discussed by NA while Bills with bearing on devolution must be discussed by the Senate

10. Act of Parliament

- Upon passage during the third reading and assent by the President, Bills become Acts of Parliament and take effect 14 days after or as provided for in the respective Act.

11. Policy Implementation/Operationalization of Acts

- Policies/sessional papers and attendant laws are implemented.
- Laws may require regulations for operationalization



Legal and Regulatory Frameworks



- Bills, like policy, are developed through consultation with County Govts and other stakeholders
- Bills may be generated by
 - the Executive (Govt Bills) or
 - by a private member in either House of Parliament (private member's Bill)
- All Govt Bills must be approved by Cabinet and drafted by AG's office
- Bill introduced in the Parliament at its 1st reading and becomes property of the House



Legal and Regulatory Frameworks



- Bill undergoes 2nd reading where its committed to relevant Departmental/Standing committee of the NA or Senate
- NA and senate Standing Orders require the soliciting of public participation on Bills
- Any interested party can still seek further amendments to the Bill by petitioning the relevant House Committee
- Bill undergoes 3rd and final reading
- Upon Presidential assent Bill becomes an Act
- Regulations which hinge upon the Act are developed and gazetted by Minister upon approval by the AG and publication by the Government Printer



Sector Strategy Development



Strategy is a comprehensive plan of action formulated or designed in order to achieve a particular goal. It is a combination of well-thought intent and actions which lead the organization towards its desired position or destination. It is a unified and integrated plan made to achieve the basic objectives of the organization or enterprise. Strategy addresses its focus on;

- Efficiency
- Effectiveness
- Taking advantage of opportunities
- Full resource utilization, and
- Coping with threats



Sector Strategy Development



Like policies sector strategies may derive from National framework Policies e.g. Vision 2030 or National Sessional papers that target common denominator goals like employment creation, income generation and poverty reduction

- The process of sector strategy development is similar to the one policy development in terms of
- Specific subsector, industry or commodity specific policies may derive from sectoral policies. For example, the SRA or ASDS, the framework sector strategies for agriculture over the last few years, may inform the focus areas for Commodity Specific Strategies like Nuts and Oil Crops Strategy and the Rice Development Strategy



Sector Strategy Development



- The development of Sector and Subsector Strategies and the tools employed in the process are different in a number of ways
- Strategies employ analytical tools relevant for detailed meso and micro analysis of subsector such as SWOTS, PESTLE/PESTEL, Stakeholder analysis while policies assume national or sectoral approaches to addressing policy concurs using modelling, impact analysis
- Strategies unpack policy interventions and outline specific strategic interventions with emphasis on detailed implementation frameworks which guide on specific targets with a clear results framework or development of workplans

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