

FOOD SECURITY WORKSHOP: TOWARDS INCLUSIVE GENDER SENSITIVE, CLIMATE CHANGE RESPONSIVE AND COHERENT FOOD LAWS AND POLICIES

**LEGISLATIONS AND FOOD SECURITY – HOW DO THE TWO INFLUENCE
EACH OTHER?**

**A presentation by Booker Owuor, National Chairman – Kenya Small Scale
Cereal Growers Association & Agriculture and Livelihood Research
Consultant – Sower Solutions Limited**

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Presentation Outline

- **Definitions**
- **Story on legislations**
- **The thorny side**
- **Legislation and food security**
- **Regulation**
- **Implementation**

Definitions

- Food security is when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life – WHO.
- Food security is built on three pillars, availability, accessibility and food use/nutrition.
- Legislation is a law which has been promulgated/enacted to govern a sector.
- An Act of parliament – is a statutory plan passed by our government or any legislature which is a bill until enacted and becomes a law.

Legislations, the story

- Agricultural sector used to have about 131 pieces of legislations.
- The crops Act will operationalise the AFFA Act and the livestock research act.
- The three pieces of legislation will collapse the 131 acts and over 1,000 subsidiary legislations in the agricultural sector.

Please remember....

- **Market liberalization policies removed agricultural subsidies and include the following: Beef (1987); Animal Feeds(1989); Fertilizer; Domestic marketed tea, rice, wheat (1992); Dairy (1992); Cotton (1992); Sugar (1992); Maize (1993).**

Story cont'd

- Both AFFA Bill and Crops bill were assented to on 14th Jan. 2013, its implementation date postponed to Dec. 2013.
- AFFA Act seeks to create a single regulator to take over all the marketing and regulatory functions currently performed by different corporations.
- Once operationalised, it will regulate crops like maize, cotton, sugar, coffee, tea, sisal, coconut, pyrethrum etc.
- The AFFA Act provides for election of 18 directors – eight of them being farmers.

Story cont'd

- Under the three pieces of legislation drafted at the tail-end of Kibaki's administration, a number of parastatals such as Pyrethrum Board; Tea Board; Cotton Board; National Cereals and Produce Board; Kenya Sugar Board, and Coffee Board of Kenya face extinction.
- Others facing either reform or extinction are Horticultural Crops Development Authority; Kenya Plant Health Inspectorate Services; Kenya Marine and Fisheries Institute; Kenya Trypanosomiasis Research Institute; Kenya Forestry Research Institute; Agricultural Science Advisory Research Committee; Coffee Research Foundation; Tea Research Foundation and the Kenya Research Foundation.

The thorny side

- Every grower is expected to register with a body that they conduct business with or with such body that the authority will determine from time to time.
- Every dealer in a scheduled crop shall register with the Authority, therefore any person shall not deal in a scheduled crop unless the person is registered in accordance with Crops Act.
- Contravention on this attracts a jail term not exceeding 3 years or a fine not exceeding 5 million or both.

How do these affect food security?

- The new legislation creates ‘ commodity fund’.
- The Fund shall derive its monies from license fees, import/export agency fees, funds appropriated by the Parliament to this fund, funds from other lawful sources approved by the trustees.
- The Fund shall be managed by a Board of Trustees to be appointed by the Authority with the approval of the National Assembly.

Uses of the fund

The Fund shall be used to provide, sustainable affordable credit and advance to farmers for all or any of the following purposes—

- (a) farm improvement;
- (b) farm inputs;
- (c) farming operations;
- (d) price stabilization; and
- (e) any other lawful purpose approved by the Authority.

The Authority shall, from time to time, make rules for the better management of the Fund in the best interest of farmers.

Regulation

The Authority shall regulate all aspects of scheduled crops with a view to—

- (a) promoting productivity;
- (b) facilitating the provision of farm inputs;
- (c) promoting trade and access to markets;
- (d) facilitating provision of infrastructure;
- (e) providing post-harvest services and technology;
- (f) facilitating the collection of farm products and storage;
- (g) training of farmers and provision of extension services;
- (h) providing of incentives to farmers;
- (i) availing credit facilities; and
- (j) value addition.

Implementation

The county governments will implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for—

- (i) development of crops grown within the county;
 - (ii) plant disease control;
 - (iii) markets;
 - (iv) cooperative societies within the county;
 - (v) soil and water conservation.
- promote the establishment of wholesale markets in identified major centres of the country;
 - land owners and lessees of agricultural land, being stewards, have the obligation to cultivate the lands they own or lease and make the land economically productive on a sustainable and environmentally friendly manner;

Implementation cont'd

- conduct farmers' training programs aimed at increasing their knowledge on production technologies and on market potentials and prospects for various types of crops, through farmer training institutions;
- ensure secure domestic food supply for the country;
- formulate policies and guidelines on dealing with other crops;
- promote and advise on strategies for value addition prior to the export of crops from Kenya;
- recommend general industry agreements between farmers and processors of scheduled crops;
- prescribe the minimum period within which farmers are to be paid for crops delivered and penalties for delayed payments;

The Authority may, in accordance with rules and regulations made under this Act and subject to any other law, put in place programmes for ensuring the provision of the following incentives and facilities to growers and dealers of scheduled crops

- credit assistance including provision of equipment for land preparation and other non-monetary assistance;
- credit guarantee;
- affordable farm-inputs including quality seeds, planting materials and market linkage;
- technical support including research and extension services;
- infrastructural support including physical infrastructure development, financial and market information;
- fertilizer cost-reduction investment projects including private sector involvement in fertilizer importation and distribution, promoting local fertilizer blending and initiating establishment of national or county fertilizer manufacturing plan
- post harvest facilities and technologies including storage, processing, distribution and transport facilities;
- tax exemptions including tax breaks and duty waivers on the import of farm inputs and farm machinery.

My cereal farm



Pumpkin and legumes



And an element of agro-forestry



Why I don't envy Fredrick N





END

Many thanks

0724 046 732

booker@ksscga.org