

FAEA-Kenya Food Safety Legislation Drafting and Review of Food Safety Policy

Progress report for April 2021

In April, I focused on follow-ups and preparing draft documents for the planned stakeholder engagements. I undertook several top level conversations to ensure relevant departments/agencies remained engaged, and to provide any additional information to the PS Boga's office that could help in deliberations meant to bring the Ministry of Health back on board. Some activities that were not reported in the month of March, after the Naivasha II meeting, are also included in this report.

Meetings

- a. **March, 18, 2021:** I met with the PS Boga for a briefing on the outcomes of the second taskforce meeting in Naivasha. We agreed that next steps would focus on fine-tuning the policy document in preparation for expert reviews and stakeholder engagements, and Sector Working Group (SWAG) meetings. PS Boga committed himself to brief the Cabinet Secretary (CS) and seek direction on the challenges of disengagement by Ministry of Health. He also indicated that he had met with the health secretariat members separately to understand their concerns. Lucy Njenga, Director of Policy, Crops Department was appointed Co-Chair of the taskforce, to replace Dr Wangari. It was also agreed that Professor Boga request the PS, Department of Trade to appoint one of their staff to join the secretariat.
- b. **March 23, 2021 - FAEA/USDA meeting:** I was tasked to follow-up with PS Boga, on his earlier commitment to brief the CS Agriculture, so that he could provide the necessary support, and to get a firm commitment by government of Kenya on her support for the FAEA supported process vis-à-vis other parallel processes. It was also agreed that I consult with the PS and Lucy Njenga, on the on the next steps. The EMP budget was also discussed, and Kent requested FAS and I to provide further comments on the budget for finalization.
- c. **April 4, 2021:** In a virtual meeting, PS Boga briefed FAEA and USDA on progress and his take on the legislative process so far. He confirmed that the next steps would be to engage the Sector Working Groups (SWAGS), sensitization of key Legislators, and conduct stakeholder consultations. The PS also committed to following up with Joint Agricultural Sector Consultation and Cooperation Mechanism (JASCOM), as well as others such as FAO and AGRA and seek their support. He expressed his surprise at the turn around by the health team to pursue the KFDA bill after meeting severally to proceed with the food safety legislation process and binding themselves to the process through signed statements. PS Boga also informed the meeting about his engagements with other PSs and that he had already briefed CS Munya.
- d. **April, 9 2021:** I had a virtual meeting with MS Thule Lenneiye, Head, Agriculture Transformation Office (ATO) in the Ministry of Agriculture and briefed her on the food safety legislation process, challenges and remaining next steps. Ms Thule's

office is key in synthesizing issues for the CS and coordinating across the various departments/agencies in the Ministry. She took the opportunity to seek my views on the aflatoxin situation in the country and the Kenya-Tanzania-Uganda maize imports compliance situation.

- e. **April 13, 2021:** I met with Lucy Njenga, to review and firm up the next steps, timelines, and budgets. The outcome of the meeting was shared with the PS for concurrence. The revised roadmap and next steps were also shared with FAEA and USDA-FAS. The budget for the next steps will be finalized at a meeting with Lucy Njenga on May 3, 2021.
- f. **April 27, 2021:** I held a virtual meeting with Delia Randolph and Sylvia Alonso, both of International Livestock Research Institute (ILRI). They were keen on participating and supporting the process through their One Health Initiative which has a big component on food safety. *Note: I have included them as expert reviewers of the draft documents*

2. Deliverables

- a. The final report of the Naivasha II meeting was submitted to FAEA Executive Director.
- b. I provided further input to the policy document prepared at the second taskforce meeting (Naivasha II)
- c. I reached out and mobilized several stakeholders to submit memoranda on the KFDA bill, currently in parliament. The stakeholders included: Microenterprise Support Program Trust (MESPT), Trade Mark East Africa (TMEA), UNIDO, African Agricultural Technology Foundation (AATF), East Africa Grain Council (EAGC)
- d. I provided expert review to the following documents:
 - I. Briefing memo on FAEA/USDA supported Food Safety process to the CS Agriculture at the request of PS Boga
 - II. Joint Memorandum to Parliament on KFDA Bill by PSs (Agriculture, Trade, EAC, Livestock, and Fisheries)
 - III. Memorandum to Parliament on KFDA Bill by Ministry of Agriculture
 - IV. Memoranda to Parliament on KFDA Bill by UNIDO
 - V. Memoranda to Parliament on KFDA Bill by TMEA.

3. Challenges

- a. The second wave of COVID slowed down the momentum of some of the scheduled activities
- b. There is still some level of lethargy arising from the fact that government officials are not getting per diems
- c. The team members from health team have opted to pursue another parallel process of combining health and drugs through a KFDA Bill, while still half-heartedly participating in the food safety legislation process supported by FAEA/USDA-FAS.

- d. The private member-sponsored KFDA bill currently at the committee stage - the committee decision on memoranda submitted by various stakeholders - is yet to be known.

4. Way forward

- a. Meet with Lucy Njenga on Monday (3 May 20210) to finalize on budgets of the next steps.
- b. Finalize preparations for the SWAG meetings
- c. Reach out, and apprise key legislators on the food safety legislation process.
- d. Continue regular engagements with the PS Boga's office to ensure smooth roll out of planned activities and timely resolution of any emerging issues.
- e. Follow up with Dr. Yung to seek insights on the food safety mechanism in Vietnam (They opted for a coordination mechanism).
- f. Monitor parallel processes, especially the private member KFDA Bill, currently in Parliament.

5. Other significant happenings:

- The food safety legislation process was discussed at cabinet level following the PS's briefing to the CS's office.
- The PS Boga convened meetings with the other PSs (Trade, EAC, Livestock, and Health), to discuss the food safety legislation process as well as a common stand on the KFDA Bill. A joint memorandum signed by all PSs with the exception of the health PS who did not append her signature.
- Parliament requested for memoranda from the public on the private member's sponsored KFDA bill. Several entities made their submissions within the timelines provided. Responses were both from public and private sector. A few of the memoranda are attached to this report.