

**EVIDENCED BASED POLICY ADVOCACY PROGRAMME ON PROMOTING
SAFETY AND LOSS REDUCTION IN THE DAIRY AND HORTICULTURE SECTOR
IN KENYA**

**Implemented by CUTS-Nairobi and SOCAA with funding support from the Netherlands
Development Organisations (SNV)**

Kenya Consumer Roundtable Meeting Report

Date: 17th November 2016 at Sarova Panafric Hotel, Nairobi

I. Introduction

The need to mobilize, strengthen and further organize strong consumer organisations in Kenya is not yet achieved. Apart from just having consumer protection organisations and agencies with clear and noble missions in Kenya, of significance is the need to develop a coherent and structured strategy for the direction they are heading and harmonizing consumer safety activities in the country with a view for the attainment of a common mission of effective protection of consumers in the long run. Collective mapping of such strategies incorporated with innovative ideas for the future work process is paramount to the establishment and strengthening of the consumer protection system in Kenya while increasing the effectiveness and efficiency of consumer organizations and institutions' activities, and helping raise their credibility and profile on the national scene.

This imply that having in place a strong consumer protection organisations, whose utmost goal is to protect and promote the interests of consumers, while providing them with warnings about hazardous products, as well as any other essential information to make informed choices is mandatory. Strong consumer organisations will represent and voice consumers' interest in relevant decision-making process.

Workshop Objectives;

The objective of the workshop was to bring together consumer organisations to better understand and buy in of the programme as it relates to food safety and loss in the dairy sector and horticulture.

It also involved key government agencies/ policy makers and regulators responsible for regulation of the food safety sectors and consumer welfare in forging the way forward on enhancing consumer protection in the country. These included the Competition Authority of Kenya (CAK), Ministry of Health, Ministry of Agriculture, the Kenya Dairy Board (KDB), Horticultural Crop Directorate (HCD) and the Agriculture and Food Authority (AFA).

The Netherlands development organisations (SNV) is supporting CUTS Nairobi and SOCAA to address food safety and loss concerns in the horticulture and dairy sectors through evidence generation, sharing of best practices, knowledge and resources on issues of consumer food safety in Kenya. The programme dubbed Voice for Change (V4C) held a one day a Kenya consumer roundtable meeting to bring together consumer organizations and consumer protection agencies in the country to deliberate on the consumer protection initiatives in Kenya, in the dairy and horticulture sector.

Opening remarks

The discussions started at 9.30 am with opening remarks from Mr. Clement Onyango, Director, CUTS Nairobi, Mr. Eric O of Society of Crop Agribusiness Advisors of Kenya (SOCAA) and Mrs. Mary Njuguna of SNV. They all gave brief profiles of their representing organisations and the overall objective of the programme.

Mr. Clement Onyango introduced CUTS as a civil society organisation working on promoting cooperation on trade and sustainable economic development and creating long-term capacity of civil society representatives in the region to address the issues of equity and accountability in the economic system.

Mr. Eric Ogumo from SOCAA described SOCAA is society of professionals in agriculture dedicated to advancing professional crop production and enhancing agribusiness value chains

Mrs. Mary Kimwadu introduced the objectives of the programme and the work of SNV operations in Kenya for the past 50 years in Agriculture, Energy, Horticulture, Dairy and WASH sectors. She explained that this programme is about capacity building of civil society organisations in policy advocacy on food safety in Kenya. The programme is collaborative through evidence as a key factor for advocacy issues. They have currently partnered with 10 organisations in the programme.

II. The Role of Consumers in Promoting Food Safety in Dairy and Horticulture Sectors

Presenter: Daniel Asher, CUTS & Rikii Aguda,SOCAA.

This presentation illustrated the role of the consumer organisations on the consumer protection issues. It highlighted on the legal rational for protecting consumers and the history of consumer protection in Kenya. It also pointed on the milestone in terms of having a one stop consumer protection organisation in Kenya. He stated that for government, there is the need for enforceable standards that are convincing to both consumers and industry. On the consumers' side, food control systems must provide meaningful protection against real and important hazards while the industry needs standards that permit flexibility and efficiency in producing and marketing foods that will serve their customers.

All consumers should receive equal levels of protection and this ultimately means consumers will pay the costs for food safety standards both through taxes (to fund safety control activities) and through food prices, which must reflect all the costs of production, including the cost of quality assurance. Consumer protection is a primary mandate of all economic regulators universally. To fulfil this mandate, regulators must ensure effective consumer participation in the regulatory process. Depending on how effectively regulators fulfil their mandate vis-à-vis consumers, the regulatory process benefits from a higher degree of consumer involvement.

Theory of change

Presenter; Rikki Aguda

The presentation focused on the Theory of Change (TOC) for the Food Nutrition and Security (FNS) under the V4C programme while addressing key areas of the possible collaboration with other consumer organisations. He stated the objective of the programme was to improve food security and nutrition through increased consumption of safe food and reduction of food losses through cohesiveness of food safety and food loss reduction policy and oversight. The change will also be achieved by increasing the capacity of consumers to drive demand for safe food and food loss reduction and to support value chain (production to consumption) adoption of food safety and food loss reduction systems at county level

Questions

Q1. Why do we address food safety? Why the concern?

There is recently a lot of increase in non-communicable diseases (NCDs) that are killing unknowing consumers across the country. Most consumers are not aware of the causes of these

ailments as they lack information and education so they can make informed choices in their consumption patterns.

Q2. What is the role of health inspectorate services?

Food handlers are given certificates of food handling after every six months. The health inspectors from the ministry conduct impromptu visits as a monitoring measure. The food standards in place are being consolidated to fit the East African standards level as well the AU standards. All stakeholders have been previously involved in developing these standards. All the standards being used for exports are also in the process of getting implemented locally.

Q3. Who takes the responsibility of food safety and consumer protection? Should consumer laws be consolidated into one specialized agency or should it be a shared responsibility of different bodies?

Producers, Processors and Traders have the responsibility for food safety and must have internal control programmes based on Hazard Analysis Critical Control Point (HACCP) principles which ensures that systems to trace food and feed back and forth in the chain are in place (Traceability). Producers and processors should apply Good Agricultural Practices (GAP), Good Manufacturing Practices and Good Hygienic Practices, etc. with the emphasis of food inspection on risk factors (that are likely to lead to food borne illness)

The role of consumer organisations is to sensitize all consumers to demand for safe products in the market. The government on the hand is to ensure appropriate regulations. In the two sectors, there is a lot of laxity in enforcing regulations for the domestic market.

Dairy Traders Association (DTA) reiterated that there is a lot of concern across the value chain. As much as traders are trained there are so many scrupulous middlemen who operate illegally without any certification. This is mostly the case of agro-vets who sell animal feeds and drugs that cause antibiotic resistance. Again, the milk dispensing machines situated in several consumer points is an issue of concern for the government that needs to inspect the quality and safety of these dispensers.

Q4. How do we address safety issue if there are no standards in the first place?

The main issue is setting up of standards in the local market. The AU succeeded in its mission because it set minimum standards for adhering with. There are a lot of brokers along the value chain who complicate the process of promoting food safety.

III. The Role of Government and Regulators in Promoting Food Safety

Presenter; Brenda Obura- Ministry of Health

The MOH is mandated to secure and maintain health as mandated under Cap 242 of the Kenyan constitution. The Ministry of Health also plays a leading role in ensuring food safety in the country. Article 43(1a) Cap 254 of the Kenyan constitution states that every Kenyan has a right to the highest attainable standard of health which is also enforced by Public Health Officers. It also makes provision for the prevention of adulteration of food, drugs and chemical substances. Protection of human, animal and plant health in today's global food market is an important challenge that must be addressed through internationally recognized health and food safety systems. Food and waterborne diarrheal diseases are leading causes of illness and death in less developed countries, killing approximately 2.2 million people annually, 1.9 million of whom are children. In Kenya, the food safety control system is multi-sectoral in approach and is embodied in various statutes implemented by various Government ministries/ departments and regulatory agencies.

The National Food Safety Control Committee (NFSCC)

- Was established with the following mandates:
- To protect consumers' health by ensuring that food produced, distributed, marketed and consumed meets required standards of food safety.
- Coordinate formulation of food safety policy and supportive legal framework.
- Harmonize and Coordinate the implementation of food control activities including food and feed analysis, inspection and enforcement.
- Coordinate food safety Information, Education and Communication (IEC).
- Cover the whole food chain from primary production all the way to the final consumer, "Farm to Fork".
- Apply risk analysis principles and give priority to the greatest health risks.

Composition of NSFCC

The membership of the NFSCC include: Ministry of Health (Food Safety Unit), Ministry of Agriculture, Livestock and Fisheries, KEPHIS, HCDA, KEBS, Kenya Dairy Board, Directorate of veterinary Services, Directorate of Fisheries and the Ministry of Trade and Industry.

Presenter; Wilfred Yako, Horticultural Crops Directorate (HCD)

Horticultural Crop Directorate regulates the horticulture sector with the aim of ensuring fair play and food safety- through licensing and application of rules using KS1758 and horticulture regulations (HCDA orders of 2011) and Crops Act 2013.

This is done through produce source verification and traceability, packing and transport inspection and enforcement of Horticulture code of conduct

- *Challenges in the sector*

Among the challenges in the sector hindering efficient enforcement of these conducts are a lot of food safety checks on exports making it tedious task. The consumer awareness is low and the government puts a lot of efforts to food security while sidelining food safety.

Presentation from KDB by Kituto Kitele

- *Objectives of Regulating the Dairy Industry;*

The Kenya Dairy Board has the following objectives in regulating the dairy industry: Safeguarding public health by protecting consumers from poor quality, unsafe and contaminated milk and milk products ;Creating a conducive business environment by creating a competitive and level playing ground amongst all stakeholders involved in milk marketing; Promoting milk processing and value addition to enhance the output by the dairy industry; Promoting domestic and export trade in milk and milk products by ensuring compliance to national, regional and international dairy standards and regulations.

- *Some Key Quality Challenges and KDB Interventions*

There are specific challenges to the dairy sector that is impeding efforts in addressing safety and quality in the sector. In Kenya, there is still a large informal milk marketing sector whereby a lot of milk contaminations occur. The regulator is promoting capacity building and organization of informal traders (Forums with traders in Counties) to reduce these risks.

The enforcement of regulations (e.g. inspections and anti-hawking activities) is being taken seriously and inspections are done on a regular basis. The regulator now has a comprehensive Technical Dairy Regulations to improve enforcement (Management of produce, personnel, equipment, places and facilities regulations and milk dispenser regulations, among others).

Another challenge facing the sector is weak and fragmented stakeholder organizations to promote self-regulation in the sector. This is being addressed through organization of stakeholders e.g. Kenya Dairy Farmers Federation (KDFF), Kenya Dairy Processors Association (KDPA) and Dairy

Traders Organization (DTA) to support the establishment of dairy farmer groups and promote efforts to harmonize stakeholder organizations.

There are also inefficiencies in the dairy value chain arising from too many traders/intermediaries of raw milk. The regulator is addressing these by supporting the formation of producer groups and bulking units to utilize economies of scale.

Farmers are being encouraged to join contractual arrangements between themselves and milk buyers as this will increase networking and market linkages.

IV. Consumer Organisations Efforts in Kenya

This session by other consumer groups focused on the various ongoing and completed consumer outreach efforts by the respective consumer organizations in Kenya. These included the evidence based policy advocacy in the country through engagement of key stakeholder's i.e. inclusive research and policy discussions by key government ministries and agencies, advocacy through the conventional media, organization of round tables involving key government persons and the public to deliberate on consumer issues and making policy recommendations. Other outreach activities already pursued by consumer organizations in Kenya included advocacy through social media e.g. use of consumer protection Google groups, consumer empowerment forums on face book, use of yahoo groups.

- **Competition Authority of Kenya (CAK)**

CAK main mandate is to protect consumers in all sectors against false and misleading products in terms of quality and questionable contents. There is a provision of consumer safety in the law (2009 consumer protection bill) which ensures availability of standards to enable enforcement as well as consumer awareness and education. Therefore Consumers need to be aware of these standards. The institution also has a directive of working with consumer bodies/lobby groups. They are currently reviewing the law on how they will be engaging with the consumer organisations.

Deliberations were consistent on the need for unity among the consumer lobby groups in representing issues facing consumers in the country instead of acting as competitors. Consumer lobby groups were advised to have responsible advocacy when voicing their concerns. It was also pointed out that consumer lobby groups need to have facts (evidence) that back up the issues they are addressing and the need to strike a balance between consumers and producers' interests when

addressing market concerns. The discussion also highlighted on other consumer protection initiatives by other bodies including education and consumer protection.

The Kenya consumer organisations and protection agencies had an opportunity to learn about Organic Consumer Alliance (OCA) and how they are dealing with consumer safety issues in the food/agriculture sector ranging from sharing information and best health practices to education.

It was echoed that there is the need for responsible advocacy when voicing emerging issues in the dairy and horticulture sector. When voicing consumer concerns, it is necessary for the consumer lobby groups to have facts that back up the issues they are addressing. The need to strike a balance between consumers and producers interests when addressing market concerns is important.

The credible role played by consumer watchdogs in terms of creating awareness and sensitization of consumers in regards to prevalence of unsafe foods in the market was echoed. Consumer organizations were called to put their house in order to allow for a structured mode of representation. SNV was concerned with the sustainability of consumer organizations in terms of taking forward the agenda of consumer protection in the country. CUTS re-emphasized that the main challenge affecting performance and sustainability of consumer lobby groups remains funding of consumer projects since most donors are yet to appreciate the importance of consumer protection in the country. It also pointed on the poor and ineffective representations of consumer interest into the regulatory process leading to frequent violations of consumer's socio-economic rights.

V. Way Forward and Recommendations on Consumer Protection in Dairy and Horticulture Sector

This session's objective was to brainstorm and give suggestions on the way forward, from the emerging issues facing consumers. CUTS & SOCAA requested consumers' organisations to engage with them in addressing consumer concerns in the sector. The immediate approach was engagement with CAK whereby consumer organizations are to present their issues in regards to consumer protection. Competition authority of Kenya welcomed the idea of having consumer representation in the agency. They also noted the likelihood of pointing on the possibility of having consumer groups in their database for distribution of information and inclusion in their stakeholders' meetings and activities. The need for consumer lobby groups to have a partnership structure, which will ensure that they have one voice when presenting the consumer concerns to the regulators is of essence. OCA clarified that consumer organizations should come together to

voice their concerns through a harmonized ground. KDB reaffirmed that consumers need to be educated so that they know their rights as well as responsibilities and initiatives aimed at making the industry robust and more inclusive.

The consumer groups were tasked with responsibilities to increase the number of consumers reached with consumer education messages. In terms of realization of enforcement, CUTS and SOCAA were advised to organize all-inclusive activities to bring consumer groups members to deliberate on issues. This can also be enhanced by developing a database whereby, regulators can be reached to inform them on the consumer issues in the country.

VI. Action Points

- It was agreed that each of the consumer organisations present to share their profile with CUTS to harmonize key programmatic areas and develop areas of engagement. This will be followed by a second meeting by key representatives of these organisations to develop an action plan/engagement framework.
- There is need to develop key partnerships with government agencies like KEBS, who are mandated for standardization. Also, with other policy making ministries for reviewing of existing polices for effectiveness for consumer food safety.
- Using the CUTS envisaged online platform to address consumer grievances and to make use of existing technologies like the mobile networks to reach out to a wider consumer base. Drawing in more consumer oragansiations to this platform will be better in addressing all these concerns.
- CUTS to take role in developing a strong consumer oragansiation voice while working with others, it will also develop a food safety website and lobby and network with key institutions.

The meeting ended at 1:30 pm with closing remarks from Mr. Clement from CUTS and Mr. Eric from SOCAA.

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