



# Legislative UPDATE

Dear Esteemed Member,

*This Bulletin summarizes some of the key Bills, and Motions set for debate and consideration before Parliament in the week ending 22<sup>nd</sup> March 2019.*

## THE NATIONAL ASSEMBLY



### 1. THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL, 2019

The Bill was coming up for 1<sup>st</sup> Reading. The Bill seeks to streamline the marketing of livestock and livestock products in Kenya. This is in light of the fact that although the livestock industry is a very important source of income for many households in Kenya, its regulation is carried out by different entities leading to duplication and competition among the various entities. This results in poor service delivery by the entities and thus the main beneficiaries of the industry are the middlemen as opposed to the livestock farmers.

The streamlining of the industry is to be achieved through the establishment of the Livestock and Livestock Products Marketing Promotion Board, which is to be the main body dealing with the concerns of the marketing of livestock and livestock products in the country. It is expected that this will result in an efficient livestock and livestock products marketing industry in Kenya.

The Bill was read for the first time and referred to the relevant Departmental Committee.



## **2. REJECTION OF NATIONAL ASSEMBLY'S AMENDMENTS TO THE WAREHOUSE RECEIPT SYSTEM BILL**

The Speaker informed the House that the Senate on Thursday, 14<sup>th</sup> March 2019, considered and rejected the National Assembly's amendments and the effect of which the said Bill has been referred to a mediation committee. As such, the Bill was referred to two separate mediation committees in accordance with Article 112 & 113 of the Constitution.

Where a Bill is referred to a mediation committee, the Speakers of both Houses appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass which the House then votes on. If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within 7 days for assent. If the mediation committee fails to agree on a version of the Bill within 30 days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.

### **PETITIONS TABLED BEFORE THE NATIONAL ASSEMBLY**



#### **NEGLECT AND EXPLOITATION OF SMALL-HOLDER TEA FARMERS BY KTDA**

*The House was notified of public Petition No. 29 of 2018 regarding the neglect and exploitation of small-holder tea farmers by the Kenya Tea Development Agency (KTDA). It was noted that since inception, tea-growing in Kenya has expanded rapidly making it a significant contributor to the Kenyan economy through exports with a direct impact to over 3 million smallholder tea farmers.*

*Tea growing in Kenya is regulated by various policies established by the Kenya Tea Directorate under the Agriculture and Food Authority Act of 2013. KTDA was incorporated in 2000 to liberalise the tea industry and enable tea farmers to exercise control over the management and factories through board management agents. KTDA has monopolised and taken over the management of the entire small-holder tea companies and this constitutes a strong strategic barrier against the entry of new managing agents.*

*Further, KTDA sells tea produced by farmers on a quarterly basis but only declares bonuses to farmers at the end of the year and, the current monthly payments of Kshs. 15 to Kshs. 16 per kilogramme are too low and there is need for an increment to Kshs. 25 per month. There were also deductions made from farmers for hydropower generation four years ago but to date, no hydropower generation plant has been put in place in the west of the rift and efforts to address the above grievances with the relevant small-holder have been futile.*

*The humble petitioners pray that the National Assembly through the Departmental Committee on Agriculture and Livestock*

- i) recommends formulation of policies and regulations to cushion farmers from exploitation by KTDA;*
- ii) recommends formulation of regulations to limit licensing of one agent to undertake multiple functions for the purposes of fairness, equity and inclusivity;*
- iii) recommends establishment of small-holder tea farmers' association to look into welfare matters of tea farmers for instance, training and enhancement of farmers' representation at regional, national and international levels, among others; and,*
- iv) makes any other order or direction that it deems fit in the circumstance of the matter.*

### **MOTIONS TABLED BEFORE THE NATIONAL ASSEMBLY**



- 1. APPROVAL OF APPOINTMENT OF PROF. GEORGE ALBERT OMORE MAGOHA AS THE CABINET SECRETARY FOR THE MINISTRY OF EDUCATION**

*The House was notified of the motion on the Vetting of the Nominee for Approval as the Cabinet Secretary for the Ministry of Education Report, laid on the Table of the House on Tuesday, 19th March 2019. The House approved the appointment of Prof. George Albert Omoro Magoha as the Cabinet Secretary for the Ministry of Education.*



## **2. PROMOTION AND POPULARIZATION OF RATIFICATION OF PROTOCOL ON FREE MOVEMENT OF PERSONS**

*The House was informed on the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularise the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap.*

*It was noted that free movement of persons is central to the integration of the continent and cannot be separated from other regional integration initiatives such as economic integration and common policies on cooperation and security. The African integration agenda, in the areas of trade, goods and services has since advanced as a result of development of relevant policies in these areas. However, this has not been the case for the free movement of persons within the continent. The main scope of the Protocol is basically the right of entry, residence and establishment.*

*The member states agreed to conclude a protocol on free movement of persons, the right of residence and the right of establishment. The Protocol needs 15 ratifications to come into force. It has attracted 32 signatures, meaning that out of the 54 countries in Africa, 32 have signed, but only Rwanda has ratified. Kenya signed the Protocol on 21st March 2018.*

*It was noted that the Protocol has immense benefits to Kenya. First, Kenya has made commendable efforts to facilitate foreign entry and stay in this country. Such efforts include issuance of Visa on arrival, abolition of visa requirements for some nationals of some countries, for instance commonwealth countries, and through bilateral arrangements on exemption of visa requirements.*

*At the sensitization conference held in Dakar, Senegal in the year 2018 in order to popularize and promote the ratification of the Protocol on Free Movement of Persons in Africa, the following were recommended:*

- 1. The AU and the regional economic communities of member states should synergise activities and programmes relating to the African Continental Free Trade Agreement in tandem with the implementation of the AU Protocol on Free Movement;*
- 2. The AU and the member states should utilise the regional consultative processes for the promotion of the Protocol on Free Movement of Persons among AU member states. The regional consultative processes are regional economic blocs like COMESA, EAC, SADC and Maghreb;*
- 3. The AU member states should also involve their regional and national parliaments, private sec-tor and civil society in the dissemination of information on the AU Protocol on Free Movement of Persons.*

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# THE SENATE



## THE TEA BILL (SENATE BILLS NO. 36 OF 2018)

*The Bill was coming up for a 2<sup>nd</sup> Reading, a resumption of debate interrupted last week on 14.03.2019. The Bill was read a 2<sup>nd</sup> Time and committed to a Committee of the Whole.*



## 1) THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)

*The Bill was coming up for the Committee of the Whole, but it was deferred.*



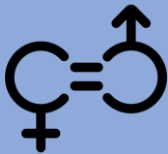
## 2) THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)

*The Bill was coming up for the Committee of the Whole, but it was deferred.*

### PETITIONS TABLED BEFORE THE SENATE

*There were no petitions tabled before the Senate*

### MOTIONS TABLED BEFORE THE SENATE



## 3) REALIZATION OF GENDER EQUITY IN ELECTIVE AND APPOINTIVE POSITIONS IN KENYA

*A motion was moved that despite there being sound constitutional provisions and elaborate policy framework to realise gender equity, both national government and county governments have not done enough to realise the*

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*achievement of gender equality. It was a concern that women in Kenya experience hardships when it comes to elective offices and are underrated by society with most opportunities for elective and appointive offices being awarded to men.*

*As such, the Senate resolved;*

- 1) that Parliament fast track the enactment of the law that shall give effect to the one third gender rule; and,*
- 2) that pursuant to Article 81 of the Constitution both the National and County governments observe the principle of equality and empowers the female gender by increasing the appointive position to at least fifty per cent.*

*The motion was however deferred.*

Your comments will be most appreciated – please send to [kepsappd@kepsa.or.ke](mailto:kepsappd@kepsa.or.ke)

Best regards,



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