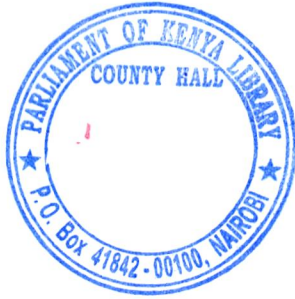


Approved for tabling in the House.



2/6/2022  
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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY


TWELFTH PARLIAMENT – SIX SESSION 2022

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON THE PUBLIC PETITION REGARDING MIRAA FARMING AND  
MARKETING

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

JUNE, 2022

 THE NATIONAL ASSEMBLY P.	
DATE:	02 JUN 2022
	THURSDAY
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## **APPENDIX**

1. ADOPTION LIST
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## **CHAIRPERSON'S FOREWORD**

The petition regarding Miraa Farming and Marketing was presented before the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Paul John Mwirigi MP, on behalf of Kimanthi Munjiri, National Chairman of the Nyambene Miraa Trade Association ( NYAMITA), a registered association fronting the interests of Khat ( Miraa) crop and industry stakeholders.

The Committee was required to respond to the Petitioner by way of a report addressed to the Petitioner/Petitioners and laid on the Table of the National Assembly not more than sixty (60) calendar days from the time of reading the prayer.

In processing the Petition, the Committee invited various stakeholders to submit their views either orally or in written format. The Committee undertook inspection visits in Embu and Meru Counties in July, 2021 analysed the submissions and prepared its report.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Petition. Finally, I wish to express my appreciation to the Honourable Members of the Committee and all the stakeholders who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Public Petition regarding Miraa Farming and Marketing

**The Hon. Silas Kipkoech Tiren, MP**  
**Chairperson of the Departmental Committee on Agriculture and Livestock**



## PART 1

### 1.0 PREFACE

#### 1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. The Departmental Committee on Agriculture and Livestock is one of the fifteen (15) Departmental Committees of the National Assembly established under *Standing Order 216* and mandated to:-
  - a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
  - b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
  - c) To study and review all the legislation referred to it;
  - d) To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
  - e) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
  - g) To examine treaties, agreements and conventions;
  - h) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - i) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
  - j) To examine any questions raised by Members on a matter within its mandate.

#### 1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of; Agriculture, Livestock, Irrigation, Fisheries development, production and Marketing.
3. In executing its mandate, the Committee oversees the following government Departments;
  - a. The State Department for Crop Development & Agricultural Research
  - b. The State Department for Livestock
  - c. The State Department for Fisheries, Aquaculture and the Blue Economy

### 1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Agriculture and Livestock was reconstituted by the House in July, 2020 and comprises of the following Members:

**Hon. Silas Kipkoech Tiren, MP- Chairperson**  
Moiben Constituency  
**Jubilee Party**

Hon. Abdikhaim Osman, M.P – Vice - Chairperson  
Fafi Constituency  
**Kanu Party**

Hon. Maison Leshomo, M.P  
Samburu County  
**KANU**

Hon. Ferdinand Wanyonyi, M.P  
Kwanza Constituency  
**FORD Kenya Party**

Hon. Dr. Chrisantus Wamalwa, CBS, M.P  
Kiminini Constituency  
**FORD Kenya Party**

Hon. Simba Arati, M.P  
Dagoreti North Constituency  
**Orange Democratic Movement Party**

Hon. Cecily Mbarire, MGH, M.P  
Nominated Member  
**Jubilee Party**

Hon. Adan Haji Yusuf, M.P  
Mandera West Constituency  
**EFP Party**

Hon. Jude Njomo, M.P  
Kiambu Constituency  
**Jubilee Party**

Hon. Gabriel Kago Mukuha, M.P  
Githunguri Constituency  
**Jubilee Party**

Hon. Janet Jepkemboi Sitienei, M.P  
Turbo Constituency  
**Independent**

Hon. Julius Kibiwott Melly, M.P  
Tinderet Constituency  
**Jubilee Party**

Hon. (Dr.) John Mutunga, M.P  
Tigania West Constituency  
**Jubilee Party**

Hon. Geoffrey Odanga, M.P  
Matayos Constituency  
**Orange Democratic Movement Party**

**Hon. Majimbo Kalasinga, MP**  
Kabuchai Constituency  
**Ford Kenya Party**

**Hon. Joyce Kamene, MP**  
Machakos County  
**Wiper Democratic Movement Party**

Hon. Brighton Yegon, MP  
Konoin Constituency  
**Jubilee Party**

Hon. Martin Peters Owino, MP  
Ndhiwa Constituency  
**Orange Democratic Movement**

Hon. Katoo Ole Metito, MP  
Kajiado South Constituency  
**Jubilee Party**

#### **1.4 COMMITTEE SECRETARIAT**

5. The Committee is facilitated by the following Members of the Secretariat:

Mr. George Gazemba  
**Principal Clerk Assistant – Head of Secretariat**

Mr. Nicodemus Maluki  
**Second Clerk Assistant**

Ms. Clara Kimeli  
**Senior Legal Counsel**

Mr. Wilson Angatangoria  
**Sergeant At Arms**

Mr. Robert Ngetich  
**Fiscal Analyst II**

Mr. Eugene Luteshi  
**Audio Officer**

Mr. Ahmad Yakubu  
**Media Relations Officer**

Mr. David Ngeno  
**Research Officer II**

## PART II

### 2.0 INTRODUCTION

6. The Constitution of Kenya 2010 under article 37 provides that every person has the right to present petitions to public authorities while under article 119 (1) it gives provisions that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation and (2) mandates Parliament to make procedure for the exercise of the said right.

### 2.1 Committal and Consideration of the Petition

7. Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Agriculture and Livestock for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227 (1). In considering the petition, the Committee invited the petitioners, and received submissions from various state agencies.

### 2.2 Petition regarding Miraa Farming and Marketing

8. The petitioners wished to draw the attention of the House to the following: -
  - a) **THAT**, thousands of families in the larger Meru region growing Khat (*Catha edulis*) popularly known as *Miraa* have been earning a living through the sale of their crop to local and international markets in the east African region ;
  - b) **THAT**, following declaration of COVID-19 as a global health pandemic and subsequent closure of international borders, *Miraa* crop lost its regional market, particularly in Somalia;
  - c) **THAT**, locally, a number of county governments such as Tana River, Mombasa, Lamu and Kilifi have imposed exorbitant and prohibitive levies and fees for the crop to transit through their jurisdictions or be sold in the markets within the counties without regulation by the ministry of Agriculture as provided for in section 17 of the Crops Act;
  - d) **THAT**, the Ministry of Agriculture has been diverting funds allocated to support development of the *Miraa* crop to activities of other crops. For instance, in the Financial Year 2019/20, Kes 60M under Vote D1165 State Department for Crops earmarked, under Vote sub head 1165103902 *Miraa* Crop revitalization project, Vote lines 3111300, 3111400 and 3130100 for the development of the *Miraa* research institute and *Miraa* research activities such as propagation of certified *Miraa* seedlings was diverted to buy Macadamia seedlings;
  - e) **THAT**, the Kes 1 B granted by the National Government in 2016 to cushion *Miraa* farmers and traders after *Miraa* was banned in Europe, including Kes I B allocated in the budgets for 2017/18 and 2018/19 for improvement of *Miraa* farming have not been realized;
  - f) **THAT**, in the Financial Year 2020/21, the Ministry of Agriculture has reduced the allocation to *Miraa* crop to paltry Kes 200M despite having a huge backlog of unmet expenditures overflowing from the previous Financial Year;
  - g) **THAT**, despite the *Miraa* community of Igembe in Nithi, Igembe North Constituency Meru County donating 50 hectare-land with approval in writing by the County Government of Meru to the PS Agriculture, the land remains idle;
  - h) **THAT**, *Miraa* farmers do not have a single market outside of Kenya, after access to Somalia, the last such international market for the crop in March 2020 to date, and when Somalia reopened its borders for international travel, its Government permitted entry of other crops with the exclusion of *Miraa* crop;

- i) **THAT**, whereas section 8 of the Crops Act directly charging the Ministry of Agriculture with the responsibility to source for markets for the crop, other prospective markets such as Djibouti, Somaliland, Mozambique, Yemen, Israel, and the Democratic Republic of Congo that were identified by the Miraa Task Force Report Implementation Technical Team as having real demand for Kenya Miraa has not been followed up;
- j) **THAT**, further the research on Miraa by KEMRI sanctioned by Parliament itself in 2014 and development of Kenya Miraa Marketing Strategy by the Ministry of Agriculture that would have been blueprint for international marketing of Miraa appears abandoned;
- k) **THAT**, while other Miraa growing countries in the region, particularly Ethiopia that trades with Somalia is gaining competitive advantage after it opened up its boundary to facilitate Miraa trade, the prolonged closure of Kenya – Somalia boundary has made overland trading of Miraa across the border impossible, leaving farmers frustrated and impoverished for lack of Livelihood;
- l) **THAT**, on two occasions in July 2020 we have had aircrafts transporting Miraa to Somalia having been duly cleared by the relevant authorities in Kenya and Somalia returned with Miraa cargo, hence occasioning huge losses amounting to Kes 20 M;
- m) **THAT**, on numerous occasions, the Petitioners and other partners in the Miraa business have been engaging the concerned authorities including the Cabinet Secretary responsible for agriculture, county governments and political leadership in the region to cause the National government to engage the Government of Somalia and negotiate an agreement for resumption of Miraa exports when corona pandemic situation normalizes, their efforts are yet to bear any fruits;
- n) **THAT**, the issues in respect of which the petition is made are not pending before any Court of law or constitutional legal body.

## **2.2 Prayers in the Petition**

- 9. The petitioners pray that the National Assembly, through the Departmental Committee on Agriculture and Livestock;
  - i. Engages the relevant National Government Ministries responsible for Agriculture , Trade, and Industry, Transport, Interior and foreign Relations with a view to seeking to reopen the border with Somalia so as to have Miraa trade with Somalia resumed forthwith;
  - ii. Intervenes through the Ministry of Agriculture to ensure that the recommendations of the Miraa Task Force Report Implementation Technical Team(MTFRITT) are implemented, the Research on Miraa by KEMRI sanctioned by the National Assembly in 2014 is completed and the Kenya Miraa Marketing Strategy is developed as a blueprint for development of Miraa farming and expansion of local and international marketing of Miraa;
  - iii. Inquires into utilization of the local funds allocated for development of Miraa through the Ministry of Agriculture since 2016 with a view to establishing the purposes for which such funds were utilized and whether or not whole part of the funds so allocated were diverted to other crops;
  - iv. Engages with relevant Ministry to establish the extent of utilization of the allocation for Miraa research in 2019/20 Vote D1165 Sub Vote 1165103902, Vote lines 3111300,3111400, and 3130100 with a view to recommending appropriate action; and
  - v. Intervenes through the relevant ministries to ensure that levies imposed on Miraa trading in the country comply with the law and are harmonized across the counties



## PART III

### 3.0 SUBMISSIONS AND EVIDENCE

10. Having been seized of the Petition, the Committee commenced its consideration by inviting the petitioners, the Ministry of Agriculture and Livestock. The written submissions are recorded hereunder: -

### 3.1 Submission by the Ministry of Agriculture and Livestock

11. Khat (*Catha edulis*) popularly known as Miraa in Kenya is a major cash crop grown, consumed and used for trade for decades in Kenya. It is estimated that, about 22,000 hectares of land is under Khat production and its trade benefits over 500,000 people who are engaged directly or indirectly. The significance of Khat has therefore greatly contributed to economic growth and development of the country.
12. Following the outbreak of the Covid-19 pandemic, the Somali government banned all cargo and passenger planes to curb the spread of covid-19. This affected the trade of Miraa across the border. Upon lifting of the restrictions for cargo and passenger flights in August 2020, Miraa was excluded and this is still the case to date. The ministry noted that Somalia was a major market for Miraa prior to covid-19 with estimated exports of about 50MT per day. This situation has caused a lot of distress to the communities that depend on the crop for their livelihood and trade.
13. County Governments charge various levies and charges on market commodities subject to the County Governments Finance Bills enacted every financial year. The rate at which the fees and levies are charged are guided by the provisions of article 209 (4 and 5) of the Kenyan Constitution:  
*“(4) The national and county governments may impose charges for the services they provide.  
(5) The taxation and other revenue-raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour.”*
14. The Ministry of Agriculture, Livestock, Fisheries and Co-operatives communicated to the Ministry of Interior and Coordination of National Government and the Council of Governors on Protocols and Guidelines on the management of Miraa trade, and highlighted the strategies aimed at minimizing trade interruptions, ensuring availability, hygienic handling and consumption of Miraa in the counties. It has, in consultations with key actors, developed protocols and guidelines to address these key challenges.
15. During the finalization of the financial year 2019/20 supplementary II budget the ministry was required by the National Treasury through Treasury Circular No.3/2020 to rationalize their budget in reference to the underperformance of revenue during the first half of the financial year. Funds allocated to slow moving items for Miraa on acquisition of land and research activities were rationalized as they could not be achieved within the financial year. The rationalized budget was approved by Parliament after presentation by the National Treasury. There was no diversion of funds allocated for Miraa to other crops no reallocation was approved for the diversion.
16. The ministry of finance allocates funds to the different ministerial activities through vote heads. Ministry of Agriculture, Livestock, Fisheries and Coop receives money to support programs for all state departments. The State department for Crop development and Agricultural Research receives funds for crop diversification which covers all

scheduled crops under first schedule of crops Act. Before the presidential declaration on the support on Miraa, the state department was receiving funds for Food Security and Crop diversification. During the Financial Years 2015/16, 2016/17, 2017/18 and 2018/19, the funds allocated for Food Security and Crop Diversification of which Miraa was one of the commodities was as follows:

<b>Financial Year</b>	<b>Allocations</b>	<b>Total Expenditure</b>	<b>Expenditure on other crops</b>	<b>Expenditure on Miraa</b>
2016/17	<b>1,200,000,000</b>	1,031,867,361	829,103,368 (80%)	202,763,993(20%)
2017/18	<b>1,048,722,277</b>	616,932,573	542,627,573 (88%)	74,305,000 (12%)
2018/19	<b>906, 776,800</b>	593,795,866	71,956,498 (12%)	521,839,368(88%)

17. Some of the interventions carried out to cushion farmers and traders were;
  - a) Development of Miraa market sheds.
  - b) Excavation of dams and sinking of boreholes.
18. Miraa development activities for the period tabulated above were included under the budget line of food security and crop diversification. Miraa revitalization program was introduced during the financial year 2019/2020 as a stand-alone vote head.
19. In the Financial Year 2020/21, the allocation for Miraa Revitalization project was allocated ksh. 200,000,000. In regard to the petitioner's allegation that there was unmet expenditure, the ministry notes that after the close of a financial year, all accounts are closed and the balances thereof are returned to treasury.
20. The size of land allocated for the development of Miraa Research Institute was 50 acres according to the letter by the senior Chief Antuambui Location and minutes of a meeting held on 19<sup>th</sup> August 2019 and signed by 23 members of the Antuambui community. Therefore, it is not true that the land allocated for MRI is 50HA as stated by the petitioner. The land is under Antuambui II Adjudication section and the process is in progress (Antuambui section).Currently, there are no infrastructure activities.
21. There are international markets for Kenyan Miraa such as Israel, Angola and Mozambique. For instance, Israel has issued a Miraa import permits to various exporters that allows them to export Kenya Miraa. These permits are valid up to 2022.
22. Further, the MOALF&C has endeavoured to source and link Miraa trader to International markets. During the month of June 2019 a delegation visited Countries that allow trade in Miraa such as Djibouti and Mozambique. During the visit to Djibouti, there was a request for Miraa traders from Kenya to send samples to the main Miraa importer (Socie'te Generale d'importation de Khat) for market exploration and promotion. The government assisted Samana Miraa Exporters by introducing the company to Kenya Airways cargo as a licensed Miraa exporter interested in the Djibouti market. In pursuit to source for Miraa market the government contacted the Nigerian High Commission to express interest on export to Nigeria. However, there was no response.
23. Currently there is no Miraa marketing strategy. However the process of developing the marketing strategy was initiated by development of terms of reference and the tender



- was advertised through a gazette notice. A tender committee was appointed, tender documents were evaluated and recommendations by the committee were given. The tender awaiting award.
24. There has been a reduction of farmers' income from Miraa export as a result of reduced international trade. However the farmers have continued to benefit from other sources of livelihood.
  25. The MOALF& C clears crops commodities for export by issuing export licenses and Phyto-Sanitary Certificates. The Ministry is not aware of any cargo aircrafts transporting Miraa from Kenya to Somali that was denied entry into Somalia or the reasons thereof.
  26. The restrictions imposed by the Somalia government on fresh produce including Miraa to curb the spread of Covid – 19 have not been lifted, more so the instances of pandemic infection are on the rise. In response to this, the MOALF&C developed crop protocols and guidelines on management of Miraa industry to implement strategies aimed at minimizing trade interruption, ensuring availability, hygienic handling and transportation.
  27. Some of the issues raised by the petitioner are pending in Milimani Law courts. The MOALF&C wished to note the following:
    - a) **THAT** petitioner was a member of the MTRTIT
    - b) **THAT** the petitioner was privy and involved in all the deliberations and activities on Miraa development by virtue of the petitioner position in the MTRTIT and in NYAMITA.
    - c) **THAT** the petitioner was part of the delegation by the MOALF&C to search for new Miraa markets in Ethiopia.
    - d) **THAT** the petitioner has sued the MOALF&C and several other agencies on matters that he was involved as a member of MTRTIR (revoked in July 13<sup>th</sup> July 2020
  28. Since the year 2016 when Miraa was gazetted as a scheduled crop the government has allocated funds for promotional activities locally and internationally. The Ministry of Agriculture, Livestock, Fisheries and Cooperatives (MoALF&C) has carried the following activities in consultation and with involvement of the Miraa Taskforce Report Technical Implementation Team (MTRITT)
  29. The key recommendation of the Taskforce Report was to spearhead the recovery of the lost International Miraa markets and penetration into new markets by carrying out extensive market development activities. The activities to be undertaken included market surveys and lobbying in countries that embrace Miraa usage in order to identify potential markets, traders and participate in promotional activities.
  30. In this regard, in June 2019, a team comprising of MTRTIT, AFA, KALRO and Ministry visited Ethiopia, Djibouti and Mozambique. During the visit, it was established that:
    - a) There is demand for Kenyan Miraa in Djibouti. Kenyan exporters were required to send samples of Miraa. Currently, there is limited cargo space to Djibouti hence hindering the delivery of the goods. There exists a Trade Agreement between Kenya and Djibouti government which requires further engagement on trade.
    - b) The Miraa trade between Kenyan and Mozambique has been going on for sometimes. However, there arose some trade malpractices that caused the Mozambique government to ban Miraa exports through Maputo International

airport and only allow small quantities through Nampule airport which is about 1700Km from the capital Maputo.

31. Other promotional activities are being organized to Somalia, Israel, Angola, Uganda, Madagascar, and Democratic Republic of Congo to get a wider market for Miraa. Contacts have been made through the Ministry of Foreign Affairs and Ministry of Trade to contact the Kenyan Embassies where the commodity is consumed with Israel and Somalia having shown some potential for Miraa. Response has been received from DRC and Israel for promotional
32. The taskforce report recommended for establishment of Miraa Research Institute (MRI) as an institute of KALRO. This required KALRO to acquire land for the establishment of MRI. The community of Igembe North Sub-county in Meru County donated 50 acres of land for the establishment of Institute at Ngatho, Antuambui ward. However, the physical infrastructure of the MRI has not been established.
33. In order to kick start the research activities, a Memorandum of Understanding (MOU) was signed between KALRO and Meru University of Science and Technology (MUST). MOALF&C provided funds to establish a field liaison office in Laare, Igembe North Sub County. The construction of the liaison office has already been commenced. The MOALF&C facilitated the study of value chain analysis. This has been carried out except the stage of stakeholder validation which was interrupted by the onset of Covid -19 pandemic.
34. MOALF& C has initiated the process of seeking field evaluations of pesticides suitable for use on Miraa. The ministry has so far achieved the following
  - i. Extension of accreditation by Pest Control Board to KALRO for field evaluation performance (efficacy) of pesticide
  - ii. Issuance of permits to agrochemical companies by PCPB to evaluate 14 chemicals for control of pest and disease.
35. On the Multiplication of Miraa Planting Material through tissue culture, the ministry has developed procedures for multiplication of Miraa planting material through tissue culture (KALRO CRI). The ministry has developed procedures to analyze for biochemicals analysis in Miraa targeting anti-oxidants, sugars and minerals.
36. Currently, there is no specific strategy for Miraa. However, there are efforts towards development of a strategy for Miraa. The ministry has already started the process of procuring a consultant to assist in the development of the strategy. All the procurement processes have been completed awaiting the award of the contract to the consultant. However, there exists a National Export Development and Promotion strategy for Khat/Miraa by the State Department of Trade. The consultant will make use of the existing national export and development and promotion strategy. See Paragraph 23
37. There was no specific money allocated by treasury for Miraa as alleged. However, the Ministry after the scheduling of Miraa in 2016 dealt with Miraa under the vote head of Food Security and crop Diversification. The Ministry has adhered to proper utilization of funds in line with the Public Finance Management Act 2012 and other Acts of Parliament. After Miraa was scheduled as a crop in 2016, its development and promotion was done like any other crop. The ministry budgeted for the promotion of Miraa under the Food Security and Crop Diversification vote.



**Table 1: Allocation for Food Security and Crop Diversification**

<b>Financial Year</b>	<b>Allocations</b>	<b>Total Expenditure</b>	<b>Expenditure on other crops</b>	<b>Expenditure on Miraa</b>
2016/17	<b>1,200,000,000</b>	1,031,867,361	829,103,368 (80%)	202,763,993 (20%)
2017/18	<b>1,048,722,277</b>	616,932,573	542,627,573 (88%)	74,305,000 (12%)
2018/19	<b>906, 776,800</b>	593,795,866	71,956,498 (12%)	521,839,368(88%)

38. In FY 2016/17, the expenditure on Miraa activities was Kes. 202,763,993 towards facilitating the activities of the Taskforce on the Development of the Miraa Industry and the development of an inventory of all Miraa farmers.

**Table 2: Expenditure for FY 2016/17**

<b>Item Description</b>	<b>Quantity (Tons)</b>	<b>Cost in Kshs</b>	<b>Remarks</b>
Purchase and Distribution of seed for additional crop enterprises (Green grama, cowpeas, Beans, Maize, Sorghum, Irish potatoes, Sweet Potatoes and cassava)	468 tons of seed and 637,000 Sweet potato vines and 344,000 cassava cuttings	88,739,000	Distributed to; Igembe south, Igembe North, Igembe Central, Tigania East, Tigania Central, Tigania West, Imenti North, Imenti Central, Imenti south, Buuri, Maara, Chuka Ig'angombe, Tharaka, Mbeere north and Mbeere South
Operation and remuneration of the Presidential Miraa Task Force for the period 13 <sup>th</sup> June 2016 to June 2017	-	<b>77,700,694.00</b>	
Mobilization, sensitization and Census of Miraa farmers	-	36,324,299	In Meru, Embu and, Tharaka Nithi
<b>TOTAL</b>		<b>202,763,993</b>	

39. In FY 2017/18, the expenditure on Miraa activities was Kshs.74,305,000 towards assisting Miraa farmers diversify their enterprises as recommended by the Taskforce on Development of the Miraa Industry.

**Table 3: Expenditure for the FY 2017/18**

Item Description	Quantity (Tons)	Cost in Kshs	Remarks
Purchase and Distribution of seed for additional crop enterprises (Green grams, cowpeas, Beans, Maize, Sorghum, Irish potatoes, Sweet Potatoes and cassava)	381.5 tons of seed and 137,500 Sweet potato vines and 107,600 cassava cuttings	74,305,000	Distributed to; Igembe south, Igembe North, Igembe Central, Tigania East, Tigania Central, Tigania West, Imenti North, Imenti Central, Imenti south, Buuri, Maara, Chuka Ig'angombe, Tharaka, Mbeere north and Mbeere South
<b>TOTAL SPENT TO SUPPORT MIRAA PRODUCING COUNTIES</b>		<b>74,305,000</b>	

40. In the FY 2018/19, the expenditure on Miraa activities was Kshs. **521,839,368**. The MTRTIT was appointed to implement the recommendations of the taskforce, this included stakeholder consultations, meetings and monitoring and evaluation, international market search as shown in Table 4

**Table 4: Expenditure for FY 2018/19**

Item Description	Quantity (Tons)	Cost in Kshs.	Remarks
Purchase and Distribution of seed for additional crop enterprises (Green grams, cowpeas, Beans, Maize, Sorghum, Irish potatoes, Sweet Potatoes and cassava) and Pending bills for purchase of seeds for 2017-2018	55.6 tons of seed and 650,000 Sweet potato vines	389,766,080	Distributed to Igembe south, Igembe North, Igembe Central, Tigania East, Tigania Central, Tigania West, Imenti North, Imenti Central Imenti south, Buuri, Maara, Chuka Ig'angombe, Tharaka, Mbeere north and Mbeere South
Recovery and search for new markets (local and International markets), sensitization, monitoring and evaluation, and administration of Miraa activities		110,000,000	International Countries visited – Ethiopia, Djibouti and Mozambique Local Counties-Kilifi, Kwale, Makueni and Machakos
Infrastructure- Construction of earth Dams and drilling of Boreholes		22,073,288	
<b>TOTAL</b>		<b>521,839,368</b>	



41. During the financial year 2019/2020, Treasury separated Miraa funds from the Food Security and Crop Diversification Vote, therefore the expenditure in this year went to support Miraa activities only.

<b>Miraa Industry Revitalization project</b>	<b>FY 2019/20</b>	<b>FY 2019/20</b>	
	Allocation	Approved Supplementary II	Expenditure as at 30th June 2020
Travel Allowance	10,000,000	10,000,000	9,305,050
Remuneration of Instructors and Contract Based Training Services	10,000,000	10,000,000	6,671,626
Boards, Committees, Conferences and Seminars	20,000,000	20,000,000	16,821,570
Transport costs and charges (freight, loading/unloading, clearing and shipping charges)	15,000,000	15,000,000	14,938,818
Contracted Professional Services	5,000,000	5,000,000	2,666,650
Capital grants to semi-autonomous government agencies	180,000,000	180,000,000	180,000,000
Purchase of Certified Crop Seed	30,000,000	30,000,000	9,420,487
Research, Feasibility Studies	20,000,000	12,400,000	9,469,600
Other infrastructure and civil works	100,000,000	100,000,000	60,527,976
Acquisition of Land	10,000,000	-	-
<b>Total</b>	<b>400,000,000</b>	<b>382,400,000</b>	<b>309,821,777</b>

42. The funds allocated to the Ministry since 2016 have been utilized for the intended purposes and therefore there was no misappropriation of any resources allocated to this Ministry. The allocation for Miraa industry revitalization for the financial year 2020/21 was agreed during the sector allocation process.
43. The Agriculture, Rural and Urban Development (ARUD) followed the guidelines given by the Treasury circular no.8/2018 that outlined the criteria for allocating resources. Linkage of programs to the 'Big four' plan either as drivers or enablers formed the basis of allocating other crops more funding as compared to Miraa. The Ministry has adhered into proper utilization of funds in line with the Public Finance Management Act 2012 and other acts of parliament.

44. In the Financial Year 2019/20, the National Treasury allocated Ksh.400 million

specifically for Miraa revitalization. However, during the finalization of the supplementary II budget the ministry was requested by the National Treasury to rationalize their budget due to limited funds. Funds allocated to Miraa on acquisition of land and research activities were rationalized due to lapse of time. The land acquisition process was lagging behind and could not be achieved within the financial year. The rationalized budget was approved by Parliament on presentation by the National Treasury. There was no diversion of funds allocated for Miraa to other crops no reallocation was approved for the diversion.

45. The ministry and the MTRTIT engaged the county governments of Kwale, Mombasa, Kilifi and Makueni with the aim of addressing restriction on Miraa sales. The team met with the County Commissioners, local administration, Governors and the speakers of County Assemblies.

### **3.2 INSPECTION VISITS**

46. The Committee undertook a fact finding inspection visits in Embu and Meru Counties between 26<sup>th</sup> and 29<sup>th</sup> July, 2020.
47. The following issues were raised by the farmers.

#### **EMBU COUNTY – MBEERE SOUTH, KIRITIRI**

The Committee was informed as follows:

- i. Muguka does well in the arid areas of Mbeere and that irrigation would ensure continuous supply of the produce throughout the year
- ii. Muguka had not been scheduled like Miraa hence it was not getting the necessary support from government
- iii. Pests and diseases contribute to big losses
- iv. Pesticides that are sprayed to the muguka expose consumers to dangers.
- v. Muguka is a highly perishable product and that poor road infrastructure exacerbate the situation
- vi. Embu County received 167million of the Miraa revitalization fund
- vii. There are many levies subjected crop across counties than any other produce
- viii. There is need for value addition
- ix. More research needed to be done on muguka within the environs of Mbeere

#### **IGEMBE SOUTH, CENTRAL AND NORTH CONSTITUENCIES**

- i. There was no policy to guide Miraa and Muguka production in the country
- ii. Miraa and Muguka require to be put as separate directorates from other and have a substantive Board
- iii. The money that was set specifically for Miraa was diverted to support other crops without a very convincing justification.
- iv. Locals were not involved in the construction of the Miraa shades which were poorly done and have not been completed.
- v. The Contractors had not been paid for the work done and were now unable to pay for the materials and labour they incurred.
- vi. Transportation of Miraa to market destinations encounter many challenges along the routes ranging from police harassment and high county levies.
- vii. Implementation of the Taskforce Report on Miraa had not been done
- viii. There was no convincing reason for one Sacco( *Mwenge- which is new and took all the money*) to be given money and in turn was to lent to others and that here

- was need to furnish details of all the saccoes that applied for the money
- ix. There is need for explanation as to why Ethiopian Miraa get to Moyale, Wajir and Marsabit but it is difficult for the Miraa from Nyambene to reach such destinations
  - x. Infrastructure for irrigation such as boreholes, dams have all had stalled
  - xi. Poor road network and lack proper storage facilities to lengthen the shelf life of Miraa along the transit

### **Committee Findings**

#### **The Committee noted THAT;**

- i. There was lack of security for transporters, non-provision of farm inputs, ready markets and in adequate research on the crop, and alleged over-taxation by some counties.
- ii. The government had not done enough to re-open the Somalia market which was closed two years ago, noting it was the only remaining major market.
- iii. There exist discrimination against budgetary allocation and other Government interventions.
- iv. Infrastructure for irrigation to support Miraa and Muguka growing in the regions have stalled
- v. Pests and diseases are contributing huge losses to the farmers and that the indiscriminate use of chemicals to control these pests and disease jeopardize human health
- vi. Farmers in Mbeere raised concerns on discrimination against Muguka as a cash crop
- vii. Miraa sheds were poorly done and that value for money was not realized
- viii. Some of the Sacco's were allocated more money than the others without clear justification.



## PART IV

### 4.0 ISSUES FOR DETERMINATION AS PRAYER SOUGHT IN THE PETITION

1. Engages the relevant National Government Ministries responsible for Agriculture, Trade, and Industry, Transport, Interior and foreign Relations with a view to seeking to reopen the border with Somalia so as to have Miraa trade with Somalia resumed forthwith;

**Response:** *Somalia is the main market for Miraa farmers in the Country and therefore the ban left farmers with tonnes of the produce going to waste and losses exceeding Sh16 million a day, according to data compiled by the Nyambene Miraa Traders Association. The government has not done enough to re-open the Somalia market which was closed two years ago.*

2. Intervenes through the Ministry of Agriculture to ensure that the recommendations of the Miraa Task Force Report Implementation Technical Team(MTFRITT) are implemented, the Research on Miraa by KEMRI sanctioned by the National Assembly in 2014 is completed and the Kenya Miraa Marketing Strategy is developed as a blueprint for development of Miraa farming and expansion of local and international marketing of Miraa;

**Response:** *Implementation of Miraa Taskforce recommendation were being implemented. The Ministry through the technical teams are already building markets, setting up Sacco's and the Miraa Research Centres.*

3. Inquiries into utilization of the local funds allocated for development of Miraa through the Ministry of Agriculture since 2016 with a view to establishing the purposes for which such funds were utilized and whether or not whole part of the funds so allocated were diverted to other crops;

**Response:** *The One billion Kenya Shillings for Miraa Revitalization fund was not used for the intended purposes but was diverted to other crops and activities. There is evidence of discrimination against budgetary allocation and other Government interventions for example the government gave Sh122 million to Mwenge Miraa Sacco in Meru while Sh48 million went to Muguka Sacco's in Embu*

4. Engages with relevant Ministry to establish the extent of utilization of the allocation for Miraa research in 2019/20 Vote D1165 Sub Vote 1165103902, Vote lines 3111300, 3111400, and 3130100 with a view to recommending appropriate action.

5. **Response:** *There was need to establish the extent of utilization for allocation for Miraa research through special audit.*

6. Intervenes through the relevant Ministries to ensure that levies imposed on Miraa trading in the country comply with the law and are harmonized across the counties

**Response:** *The Committee noted double taxation of Miraa by County Governments and lack of a dedicated office to handle the crop*

## PART V

### 4.1 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations:

1. The Government through the Ministry of foreign affairs and trade to move with speed to regain the Miraa market in Somalia and establish new markets for the crop since it has a lot of potential to contribute significantly to economic growth and development not only to Meru and Embu regions but to the Country.
2. The Committee concurs with the petitioners that the recommendations of the Miraa Task Force Report Implementation Technical Team are implemented, the Research on Miraa be enhanced and the Kenya Miraa Marketing Strategy/policy to be developed as a blueprint for development of Miraa farming and expansion of local and international marketing of Miraa- appropriate Miraa shades
3. The Committee further recommends that the relevant agencies investigate and take appropriate actions on all those who misappropriated the Ksh, 1 billion meant for Miraa revitalization and any other money meant for Miraa Sacco's in the regions
4. The County Governments of Meru, Embu, Kitui, Machakos, Tana River, Kilifi and Mombasa should harmonize tax regimes to remove barriers that hinder Miraa business in the country specific Counties
5. There should be a deliberate attempt to promote value addition and diversification of Miraa into other products other than the traditional raw form to net a wider market.
6. The Kenya Agricultural and Livestock Research (KALRO) to develop and design appropriate market shed or storage facility that can prolong the shell life of Miraa.
7. The Ministry of Agriculture, Livestock, Fisheries and Cooperatives to guide on an appropriate bio-degradable pesticides that assures safety of the farmers, consumers of Miraa and the environment.

SIGNED.......... DATE..........

HON. SILAS TIREN, MP

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK)



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK

MEMBERS ATTENDANCE SCHEDULE

DATE: 17/05/2022 START: 10:00AM END: 12:30

VENUE: COMMITTEE ROOM 2

AGENDA: ADOPTION OF REPORT ON MIRAA FARMING & MARKETING  
ADOPTION OF REPORT ON REVIVAL OF CHSWELENS FACTORY

	NAME	TITLE	SIGNATURE
1.	Hon. Silas Kipkoech Tiren, MP.	CHAIRPERSON	
2.	Hon. Abdikhaim Osman, MP.	VICE-CHAIRPERSON	
3.	Hon. Maison Leshoomo, MP.	Member	
4.	Hon. Ferdinard Wanyonyi, MP.	Member	
5.	Hon. Dr. Chrisantus Wamalwa, CBS, MP.	Member	
6.	Hon. Simba Arati, MP.	Member	
7.	Hon. Cecily Mbarire, MGH, MP.	Member	
8.	Hon. Katoole Metito, MP	Member	
9.	Hon. Jude Njomo, MP.	Member	
10.	Hon. Adan Haji Yussuf, MP.	Member	
11.	Hon. Janet Jepkemboi Sitienei, MP.	Member	
12.	Hon. Julius Kibiwott Melly, MP.	Member	
13.	Hon. Geoffrey Odanga, MP.	Member	
14.	Hon. Martin Peters Owino, MP.	Member	
15.	Hon. Joyce Kamene, MP.	Member	
16.	Hon. Yegon Brighton Leonard, MP.	Member	
17.	Hon. Dr. John Kanyuithia Mutunga, MP.	Member	
18.	Hon. Gabriel Kago Mukuha, MP.	Member	
19.	Hon. Majimbo Kalasinga, MP	Member	

COMMITTEE CLERK

DIRECTOR.....

Hon. speaker  
You may approve for  
presentation in the House.  
ppp/ps  
24/9/20

REPUBLIC OF KENYA



TWELFTH PARLIAMENT

Approved.

24/9/2020  
SNA

THE NATIONAL ASSEMBLY – FOURTH SESSION

PUBLIC PETITION

(No. 32 of 2020)

REGARDING DEVELOPMENT OF MIRAA FARMING AND MARKETING

I, the UNDERSIGNED, on behalf of Kimathi Munjuri, National Chairman of the Nyambene Miraa Trade Association (NYAMITA), a registered Association fronting the interests of Khat (Miraa) crop and industry stakeholders;

**DRAW** the attention of the House to the following:

- 1) **THAT**, thousands of families in the larger Meru region growing Khat (*Catha edulis*) popularly known as “miraa” have been earning a living through sell of their crop to local and international markets in the East African region;
- 2) **THAT**, following declaration of COVID-19 as a global health pandemic and subsequent closure of international borders, Miraa crop lost its regional market, particularly in Somalia;
- 3) **THAT**, locally, a number of county governments such as Tana River, Mombasa, Lamu and Malindi have imposed exorbitant and prohibitive levies and fees for the crop to transit through their jurisdictions or be sold in the markets within the counties without regulation by the Ministry of Agriculture as provided for in section 17 of the Crops Act;
- 4) **THAT**, the Ministry of Agriculture has been diverting funds allocated to support development of the Miraa crop to activities of other crops. For instance, in the Financial Year 2019/20, Kes60M under the Vote D1165 State Department for Crops earmarked, under Vote sub head 1165103902 Miraa crop revitalization project, Vote lines 3111300, 3111400 and 3130100 for the development of the Miraa Research Institute and Miraa research activities such as propagation of certified Miraa seedlings was diverted to buy Macadamia seedlings;
- 5) **THAT**, the Kes1B granted by the national Government in 2016 to cushion Miraa farmers and traders after Miraa was banned in Europe, including the Kes1B allocated in the budgets for 2017/18 and 2018/19 for improvement of Miraa farming have not been realized;
- 6) **THAT**, in the Financial Year 2020/21, the Ministry of Agriculture has reduced the allocation to Miraa crop to a paltry Kes200M despite having a huge backlog of unmet expenditures overflowing from the previous Financial Year;



## PUBLIC PETITION

### REGARDING DEVELOPMENT OF MIRAA FARMING AND MARKETING

- 7) **THAT**, despite the Miraa community of Iembe in Nathu, Igembe North Constituency Meru County donating 50 Hectare-land with approval in writing by the County Government of Meru to the PS Agriculture, the land remains idle;
- 8) **THAT**, Miraa farmers do not have a single market outside of Kenya, after access to Somalia, the last such international market for the crop from March 2020 to date, and when Somalia re-opened its borders for international travel, its Government permitted entry of other crops with the exclusion of Miraa crop;
- 9) **THAT**, whereas section 8 of the Crops Act directly charging the Ministry of Agriculture with the responsibility to source for markets for the crop, other prospective markets such as Djibouti, Somaliland, Mozambique, Yemen, Israel and the Democratic Republic of Congo that were identified by the Miraa Taskforce Report Implementation Technical Team as having real demand for Kenya Miraa has not been followed up;
- 10) **THAT**, further, the research on Miraa by KEMRI sanctioned by Parliament itself in 2014 and development of the Kenya Miraa Marketing Strategy by the Ministry of Agriculture that would have been the blueprint for international marketing of Miraa appears abandoned;
- 11) **THAT**, while other Miraa growing countries in the region, particularly Ethiopia that trades with Somalia is gaining comparative advantage after it opened up its boundary top facilitate Miraa trade, the prolonged closure of Kenya-Somalia boundary has made overland trading of Miraa across the border impossible, leaving farmers frustrated and impoverished for lack of other sources of livelihood;
- 12) **THAT**, on two occasions in July 2020 we have had aircrafts transporting Miraa to Somalia, having been duly cleared by the relevant authorities in Kenya and Somalia returned with the Miraa cargo, hence occasioning huge losses amounting to almost Kes20M;
- 13) **THAT**, on numerous occasions, the Petitioners and other partners in the Miraa business have been engaging the concerned authorities, including the Cabinet Secretary responsible for Agriculture, county governments and political leadership in the region to cause the National Government to engage the Government Somalia and negotiate an agreement for resumption of Miraa exports when corona pandemic situation normalizes, their efforts are yet to bear any fruit;
- 14) **THAT**, the issues in respect of which the petition is made are not pending before any court of Law or constitutional of legal body.

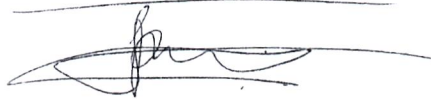
**THEREFORE** your humble Petitioner PRAYS that the National Assembly, through the Departmental Committee on Agriculture and Livestock: -

- (1) engages the relevant national Government Ministries responsible for Agriculture, Trade and Industry, Transport, Interior and Foreign relations with a view to seeking to reopen the border with Somalia so as to have Miraa trade with Somalia resumed forthwith;

- (2) intervenes through the Ministry of Agriculture to ensure that the recommendations of the Miraa Taskforce Report Implementation Technical Team are implemented, the Research on Miraa by KEMRI sanctioned by the National Assembly in 2014 is completed and the Kenya Miraa Marketing Strategy is developed as a blueprint for development of Miraa farming and expansion of local and international marketing of Miraa;
- (3) inquires into the utilization of funds allocated for development of Miraa farming through the Ministry of Agriculture since 2016 with a view to establishing the purposes for which such funds were utilized and whether or not whole or part of the funds so allocated were diverted to other crops;
- (4) engages with the relevant Ministry to establish the extent of utilization of the allocation for Miraa research in 2019/20 Vote D1165 Sub Vote 1165103902, Vote lines 3111300, 3111400 and 3130100 with a view to recommending appropriate action; and
- (5) intervenes through the relevant Ministries to ensure that restrictive levies imposed on Miraa trading in the country comply with the law and are harmonized across the counties.

And your PETITIONER will ever pray.

**PRESENTED BY:**



**HON. JOHN PAUL MWIRIGI, MP**  
**MEMBER FOR ISEMBE SOUTH CONSTITUENCY**

DATE: 23-09-2020