
PETITION MADE TO THE SENATE PURSUANT TO ARTICLE 119 OF THE
CONSTITUTION OF KENYA AND PART XXIV OF THE
SENATE STANDING ORDERS

BY

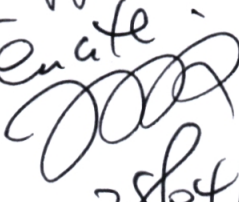
MAJOR (RTD.) JOEL KIPRONO ROP
RESIDENT OF BOMET COUNTY

CONCERNING

THE STATE OF THE TEA INDUSTRY IN KENYA

Approved

4/5/15

Rt. Hon. Speaker
You may approve/report
to the Senate

28/04/15

APRIL, 2015

PETITION TO THE SENATE BY MAJOR (RTD) JOEL KIPRONO ROP CONCERNING THE STATE OF THE TEA INDUSTRY IN KENYA

Honourable Senators,

1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been received from one Maj. (Rtd.) Joel Kiprono Rop, a citizen of Kenya and resident of Bomet County, concerning the state of the tea industry in Kenya.
2. As you are aware, under Article 119(1) of the Constitution, and I quote:-“*Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.*”
3. Honourable Senators, the salient issues raised in the said petition are as follows-
 - i) The systematic and brutal acquisition of previously communal ancestral lands in Kenyan highlands by the British colonial governments to pave way for White settlers to cultivate tea on large scale;
 - ii) The subsequent transformation of the said lands from communal ancestral lands to, firstly, government land, and later to private land in the hands of multinational companies and individual private owners;
 - iii) The domination of the tea sector in Kenya by the said large scale tea estates and multinationals, to the detriment of small scale farmers who have been unable to fully benefit from the sector; and
 - iv) The lack of reparations and restitution in respect of the communities from which these lands were forcibly taken.
4. The petitioner therefore requests the Senate to exhaustively investigate these injustices and come up with appropriate interventions, including legislative measures, to correct this dire situation of the tea sector in Kenya.
5. Honourable Senators, pursuant to standing order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than thirty minutes.

[after comments by Senators]

6. Honourable Senators, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Agriculture, Livestock and Fisheries. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

C Senate

Submitted for transmission to
the Speaker for approval and
reporting under S.O. 220 (12)

24/4/15



PETITION MADE TO THE SENATE PURSUANT TO ARTICLE 119 OF THE
CONSTITUTION OF KENYA AND PART XXIX OF THE
SENATE STANDING ORDERS

BY

MAJOR (RTD.) JOEL KIPRONO ROP
RESIDENT OF BOMET COUNTY

Done

1st April , 2015

Petition to the Senate by Major (Rtd) Joel Kiprono Rop concerning the state of tea industry in Kenya

I, the undersigned,

Citizen of the Republic of Kenya, resident of Bomet County:

DRAW the attention of the Senate to the following:

1. THAT, the land on which the multi-national tea plantations, and associated infrastructure, is situated is actually the ancestral and communal land from which the affected Kenyans were systematically and brutally evicted by the British colonial powers in order to pave way for the white settlers to cultivate tea on large scale.
2. THAT, even with the advent of independence, the issue of the white settler tea farms was not addressed by the successive Kenya Government Administrations, resulting in, among others:
 - a) Unjust transformation of the ancestral/communal land, which ^{has} been put under ~~to~~ Trust ~~Land~~ of the British colonizers after enactment of Natives Trust Ordinance, 1938, to Government Land leased to the British white settlers-turned-foreign investors;
 - b) Subsequent wrongful transfer of some the said land by the white settler leaseholders to individual Kenyan entrepreneurs;
 - c) Total disregard of reparation and restitution in respect of the affected Kenyan families.
3. THAT, in spite of the fact that Kenya is a world-class producer of tea and key player in international tea business, the biggest stakeholders in Kenya's tea industry have continuously remained the foreign-based multi-national companies; leading to the following maladies, among others:
 - a) Lack of de-colonization of the tea industry;
 - b) The indigenous Kenyan small scale tea grower being perpetually dwarfed locally as well as on the international arena;

4. THAT, despite the fact that tea has steadily remained the largest foreign exchange earner for Kenya, the great quality has never fully benefitted Kenyans because of the following reasons, among others:
 - a) Substantial portions of the earnings have perennially been repatriated by the foreign-based owners of the tea business;
 - b) The dwarfed Kenyan farmers have never been able to attain any reasonable proportion of the potential of the first-class foreign exchange earnings with respect to their produce.
5. THAT, there is need to exhaustively and decisively deal with the following:
 - a) Historical injustices associated with all the land under tea owned by multi-national companies and subsequent derivatives and transfers;
 - b) Wrongful transfers that have occurred since independence;
 - c) Existing lease-holds;
 - d) Initiate a new dispensation in this very important industry of national economy.
6. THAT, Parliament is the right body to address these issues, including in making proposals for relevant amendments to the Constitution and other laws. Consequently, I have brought this petition before the Senate as the first port of call.
7. THAT, none of the issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioner prays that the Senate-

- 1) Initiates the process of amending the Constitution and all relevant laws to accomplish the following:
 - a) Restitution of ancestral/communal land;
 - b) Hand over the tea land, tea plantations, associated infra-structure and businesses in the affected regions to the respective County Governments, who will act as Trustees of the people in the county;
 - c) Collaboration of the National Government in order to expedite and oversee the transfer of the tea land, property and associated businesses;
 - d) Liaison between each of the affected County Governments with National Government in order to appoint a National Transitional Managing Authority to run operations of the large scale tea farms for a short period, during which each of the Counties goes through the process of finding a suitable County Managing Agent;
 - e) Liaison between the Kenya Government with British Government in order to raise the funds that may be used to pay severance to the multi-national tea companies as a result of the handover of the property and businesses to the Trustees of the rightful local people;
 - f) Disbandment of Kenya Tea Development Agency (KTDA) and establishment of County Tea Development Agents (CTDA's); and transfer of all its assets and operations to the County-based Managing/Marketing Agents, namely, County Tea Development Agents (CTDA's). The CTDA's may apply to the respective county Trustee for the tender of the afore-mentioned marketing/managing agency.

Dated this...1st...day of...April...2015.

NAME & SIGNATURE

MAJ. (RTD.) JOEL KIPRONO ROP



ADDRESS

P.O. Box 192 - 20210

LITEIN

Phone: 0729549379

Email: ropmajor@yahoo.com

ID NO.

1375007

INTERNAL MEMO

TO: Deputy Director, L & P Services, Senate
FROM: Second Clerk Assistant, L & P Services, Senate
DATE: 13th April, 2015
RE: PETITION BY MAJOR (RTD.) JOEL KIPRONO ROP CONCERNING THE STATE OF THE TEA INDUSTRY IN KENYA

(2) c senate
Petition submitted for transmission to the Speaker for approval and presentation to the Senate under S.O. 220(1)(a)
8/10/2015
22/4/15

I have reviewed the above petition as directed, and confirm that the same complies with the Senate Standing Orders on the form of petition.

While the petition relates to the tea sector in general, the specific issues addressed differ from those that have been subject of previous petitions considered by the Senate from small scale tea farmers in Kisii and Murang'a counties, and the reports thereof tabled in June 2014 and March 2015 respectively.

These issues are-

- The systematic and brutal acquisition of previously communal ancestral lands by the British colonial governments to pave way for White settlers to cultivate tea on large scale;
- The subsequent transformation of the said lands from communal ancestral lands to, firstly, government land, and later to private land in the hands of multinational companies and individual private owners;
- The domination of the tea sector in Kenya by the said large scale tea estates to the detriment of small scale farmers who have been unable to fully benefit from the sector; and
- The lack of reparations and restitution in respect of the communities from which these lands were forcibly taken.

The petitioner therefore requests the Senate to exhaustively investigate these issues and come up with appropriate interventions, including legislative measures, to correct this dire situation of the tea sector in Kenya.

In my view therefore, the petition is admissible for consideration by the Senate.

Please also find attached for your approval-

- Draft acknowledgement letter to the petitioner; and
- Draft presentation summary for the Speaker.


Charles Munyua
Clerk Assistant II, L & P Services

(3) Mr. Ruge, DD
Proceed. In future letters should be in final form so that if there are no corrections signature can be instant
22/4/15

(1) Mr. Munyua
As per the petition as indicated before the IS transmitted for approval.
8/10/2015
16/4/15
Don. can

(4) Mr. Munyua
As indicated
8/10/2015
22/4/15