

## Kenya PLR Recommendations

A total of 2 multi-part recommendations to address deficiencies and/or opportunities in the PLR area of Kenya's seed system have been developed by the assessment team and vetted with stakeholders. The recommendations are roughly, but not strictly, listed in order of importance or recommended sequencing.

<b>Recommendation # 1: Support Relevant Policy and Regulatory Revisions and Developments at the National and County Levels</b>
<b>Description</b>
<p><b>1. Revision of the National Seed Policy</b></p> <p>Kenya's Seed Policy is outdated and needs to be revised. It is over 11 years old and contains policy statements that do not match the regional seed rules or current market developments. The Policy, for instance, lacks statements on alignment with the COMESA Seed Trade Harmonisation Regulations of 2014, since these were not in place at the time the Policy was drafted. Moreover, while the Seed Policy is supposed to give direction of the seed rules and regulations, the Seed and Plant Varieties Act and regulations have been revised several times and are no longer aligned with the policy.</p> <p><b>2. Development of a Seed Implementation Strategy and Plan</b></p> <p>The Seed Policy lacks a seed implementation strategy to guide government plans on execution of policy statements. A Seed Implementation Strategy should be developed, including a seed sector investment plan aimed at developing the seed industry.</p> <p><b>3. Revise and Approve of PVP Regulations</b></p> <p>While the Seed and Plant Variety Act has been regularly updated, including the part on plant variety protection, the PVP regulations have not been revised to reflect the changes under the Act. The PVP regulations are currently under revision to align them with the Act, and this process should be prioritized.</p> <p><b>4. Prioritize Approval of the 2022 Kenya Agricultural Sector Extension Policy (KASEP)</b></p> <p>The 2022 Kenya Agricultural Sector Extension Policy (KASEP), which is to replace Sessional Paper No.4 of 2013 on the National Agricultural Sector Extension Policy (NASEP), is currently in draft form and awaiting Council of Ministers approval. Once passed, KASEP will streamline the process of offering national extension and advisory services at the county and national levels.</p> <p><b>5. Revise Tax Policies to Create Exemptions for Seed</b></p> <p>Tax policies will have to be revised to align them with existing exemptions under regional laws, including the EAC Customs Management Act. Application of existing exemptions should also be streamlined and made consistent.</p> <p><b>6. Align County Level Rules with National Seed Rules</b></p> <p>County governments could be supported to develop strategies and policies that are aligned with national seed rules. They could also be supported to develop proper capacity to implement existing policies at the county level.</p>

**Recommendation # 2: Support In-Country Capacity to Implement Seed Rules**
**Description**
**1. Improve KEPHIS Capacity and Resources to Conduct Variety Release and Registration**

While KEPHIS has significant capacity, especially in comparison to other regulatory institutions in the region, it still has some institutional capacity and resource limitations that affect its ability to efficiently perform its regulatory role. Stakeholders noted, for instance, that implementation gaps exist under the variety release and registration process, including limited resources and capacity to conduct inspections. Applicants end up covering extra expenses that are not included among the prescribed fees in the seed rules, including fuel, stationary, and other fees, which makes the process more expensive. Moreover, the two committees responsible for evaluating and approving a variety for release, namely the National Performance Trials Committee and National Variety Release Committee (NVRC), are not well funded. An applicant may sometimes pay for the sitting of the committees, but this can give rise to issues of conflict of interest. KEPHIS could be supported to build its capacity to conduct evaluation tests and convene the variety release committees.

**2. Implement and Support Private Seed Inspection**

Private sector seed certification is yet to be fully implemented in practice. There is a need for capacity support for private companies to conduct inspections, including establishing properly equipped laboratories.

**3. Improve Enforcement of PVP Rules**

KEPHIS could be supported to improve its capacity to enforce PVP rules. This could be done through streamlining and easing processes for reporting PVP violations and penalizing violators found to be guilty.

**4. Update Pest Lists and SPS Measures**

KEPHIS could be supported to build its capacity to develop and implement science-based phytosanitary measures. This would include support to hire and train more border inspectors and improve equipment in phytosanitary laboratories. Pest lists should also be updated to include pests and diseases that are a threat in Kenya and relate to specific crops, instead of generic application of standards. Kenya's pest lists could be aligned with the COMESA pest list.