MONITORING AND EVALUATION OF IMPLEMENTATION OF LEGAL NOTICE NO. 113 OF 5TH SEPTEMBER 2008 (THE LOCAL GOVERNMENT (ADOPTIVE BY-LAWS) (AGRICULTURAL PRODUCE) (STANDARD WEIGHT OF PACKAGES) ORDER, 2008)

A consultancy report to Kenya National Potato Farmers Association (KENAPOFA), February 2010

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(Front page photo by J. Nderitu at LARI, December 2009)
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Executive summary

Potato (*Solanum tuberosum* L.) is the second most important food crop in Kenya after maize, both in terms of production and consumption. It is grown in an area of 108,000 ha annually across the country, with annual production of 1.4 million tons. It is grown mainly in Central, Eastern and Rift Valley provinces with some records of low production in Coast, Nyanza and Western provinces. Consumption per person is estimated at 28 Kg annually, an amount higher compared with many countries where potato is a main food crop. The value of potatoes in Kenya at farm gate has been estimated to be KSh. 5 billion while at consumption it is KSh. 10 billion, a discrepancy that implies the value chain is imperfect and long which is associated with losses that would otherwise accrue to farmers hence lower the value disparity at both ends. Several strategies have been devised to shorten this chain and the latest attempt was regulations on packaging size and weight of ware potato.

This study was necessitated by the need of Kenya National Potato Farmers Association (KENAPOFA) to monitor the implementation and enforcement of ware potato packaging size and weight regulations, Legal Notice No. 113 of 2008, which came to force in support of the implementation of some aspects of the Legal Notice No. 44 of 2005 that govern ware potato package size and weight in Kenya, among other attributes, checks and balances within the potato value chain.

KENAPOFA (Kenya National Potato Farmers Association) is a member based registered organization that represents potato growers in Kenya and its members are all potato growers. KENAPOFA participated in drafting of the regulations and was a beneficiary to the legalization of the regulations. As such, it was to their interest to know and understand the current trend in the ware potato marketing after the creation of the regulations.
The study was conducted through use of formal questionnaire administered to traders and farmers in selected markets and regions in Kenya. In addition, focussed group discussion and interviews with key informants was used by the study. The interviews were conducted face to face in the month of December 2009, a period that coincided with peak harvesting at farm level, and high demand at market level. It is also a period that experienced unprecedented high rainfall ostensibly due to climate variations. Seven markets were visited: Nairobi Wakulima wholesale market, Nairobi Kangemi market, Nakuru wholesale market, Mombasa Kongowea wholesale market, Nyeri Karatina Wholesale market, Meru wholesale market and Eldoret Wholesale market. Farmers visited were those near Nairobi (Lari), in Meru, Nyeri, Nakuru and Eldoret. In each market and field, 10 individuals were randomly selected for enumeration. Data was keyed in excel and analysed using SPSS statistical software.

The findings show that both traders and farmers are aware of the new regulations but none are implementing them except very few traders. Farmers had higher knowledge (97%) compared with traders (92%). The benefit from trading with extended sized bags is 20% higher compared with the sizes recommended in the regulations. This could be one of the reasons why traders would not wilfully comply with the regulations. In the market, traders reported quick sales of extended sized bags compared with the recommended packages, implying that consumers of these bags/vendors need to be enlightened and targeted by enforcement agents as other stakeholders are also targeted. Farmers were unable to implement the regulations due to the broker and trader cartels that usually dismantle farmer unity. Lack of storage facilities also contributes to lack of power by the farmers to negotiate prices for their potatoes. This is compounded by lack of information about the potato production costs and the prevailing market prices at any given time.

In view that the regulations have not been implemented by key stakeholders, this study has suggested several strategies to ensure enforcement of such
regulations. Firstly, it is recommended that the Minister of Agriculture appoints and gazettes inspectors who will implement legal notice no. 44 of 2005. It is also suggested that the Ministry of Local Government should instruct the Department of Inspectorate to monitor and enforce provisions of Legal Notice no. 113 of 2008. Ministry of Agriculture should also lead in seeking for registration of all traders and brokers involved in potato trade so that it will be easier to deal and negotiate with such an entity for implementation of regulations. Other strategies involve construction of potato storage structures at farm level, enhancing media interaction and setting up proper knowledge and information systems to support trade.
INTRODUCTION

1. Production figures: Yield and Area

Irish Potato (*Solanum tuberosum* L.) is the second most important food crop in Kenya after maize both in production and consumption. The current potato production in Kenya is 1.4 million tons annually grown in 108,000 ha mainly from three provinces, Central, Rift valley and Eastern, in order of production and area (Fig. 1). There is however low production in Nyanza, coast and Western provinces. At farm level, potato productivity is usually 7 tons per ha on average in farm sizes averaging 2 ha per household (GoK, 2009). This is much lower compared with a potential of 40 tons per ha that can be achieved. The crop is grown in two main seasons, April-June and October-December. The production is mainly dependent on rainfall. The crop is mainly grown by small-holder farmers for home consumption as well as a source of family income. There are currently 500,000 potato growers in the country.

(source: https://research.cip.cgiar.org/confluence/download/attachments/4975/KENPT_60627.jpg)

Fig. 1: Potato production area in Kenya
2. Production Trends

Since independence, the government has played an important role in promoting potatoes as food crop in Kenya. This effort saw a rise in adoption of potatoes by many farmers as reflected by the increased area under the crop as well as annual yields (Fig. 2). However, annual yield has not been on increase as expected and there has been wide fluctuation with signs of declining productivity. At farm level, production has been on downward trend.

![Kenya: Potato Production, 1961-2007](https://research.cip.cgiar.org/confluence/display/wpa/Kenya)

Fig. 2: Potato production trends, 1961-2007

While the Kenyan population has been on the increase, the potato production per person in Kenya has been declining (Fig. 3). This is in contrast to the increasing demand of the commodity by the population as is expected with increased human population.
3. Economic importance of potatoes in Kenya

Potatoes are of economic significance in Kenya as a food security crop and also as an important source of income to the farmers. At national level, the crop injects about KSh. 10 billion to the economy, with only half of this amount reaching farmers; the rest is distributed along the value chain. This difference illustrates clearly that the potato value chain might be too long, spread and imperfect allowing loss of most of the benefits that may accrue to farmers (Wang’ombe 2008).

The consumption per person in Kenya has been estimated as about 28.5 kg annually (FAOSTAT, 2003), an amount which is high compared with many parts of the world where potatoes are a main crop. However, the calculations have been based on perception that all potatoes grown in Kenya are locally consumed with no additional imports and no exports. In major production areas, where
potatoes are often eaten daily, the per-person consumption is estimated to be 116 kg annually (Durr & Lorenzl, 1980).

In urban towns, potatoes are consumed in different forms. They are very popular in fast food businesses and are preferred due to their ability to save time in preparation as well as eating. These products (chips/French fries, Banjia and other forms of preparations) are perceived as prestigious food of high quality, and their consumption is associated with higher income (Wang’ombe, 2008). About 60-65% of the potato supply in urban centres is processed in fast food outlets (Kirumba et al, 2004). At homes, potatoes are prepared as stew or mashed with other commodities and vegetables to form a main meal.

The potato sector employs many people in the country involved directly in different levels of the value chain as well as indirectly at production, marketing and processing sectors.

4. **Constraints to potato production, marketing and processing**

At production level, farmers are faced with several challenges that contribute to low yields. Firstly, seeds have been a key drawback to the industry. Certified and clean seeds in Kenya only account for less than 5% of the whole potato seed market. Farmers rely mainly on informal seed channels for the supply of seeds, which implies their quality is unknown. Productivity from such seeds is not assured as transmission of diseases is also enhanced. Another constraint is pest problem (Plate 1). Some diseases such as bacterial wilt and potato blight are difficult to manage and farmers are forced to abandon their fields after infection occurs. Virus vectors such as aphids are usually difficult to control and farmers end up spending more money which sometimes they are unable to recover. Potato is usually a high input crop and as such, production cost is high, which is a main constraint as farmers are rarely facilitated financially, including lack of credit facilities. Farmers also rarely get advice on agronomic practices, resulting to lack of application of proper technologies.
Plate 1: Potato crop devastated by disease problem

Marketing of potatoes is faced with several constraints particularly associated with supply. Since potato production is rain dependend, it follows that there is usually glut of supply at harvesting, resulting to low returns to farmers while at the same time the traders gain more since there is good market. High rains at harvesting also destort market supply and usually farmers sell their produce at a throw away prices to avoid rotting of potatoes. Lack of storage facilities is a major constraint which impacts on the ability of farmers to negotiate prices as they cannot hold on to their commodity for long. Lack of such facility also contributes to the distortion of the prices. The marketing chain of potatoes is complicated and a major constraint. Cartels of traders as well as brokers usully dictate the commodity prices, which is always to the disadvantage to the farmers. It is estimated that over 80% of commercially marketed potatoes pass through such cartels. Another challenge experienced in marketing is the poor road infrastructure, which increases the transportation expenses, all these costs being borne by farmers. Lack of market intelligence information has also contributed to exploitation of farmers by traders. There is a growing need to address this at two levels. Firstly, at the end of every potato growing season, there is need for the
Ministry of Agriculture to advice farmers on the minimum pricing of their potatoes per bag, considering the production costs. Secondly, the Ministry of Local Government should advise farmers on the prevailing prices daily of the ware potato in different markets. With such knowledge, farmers are able to bargain their prices with traders and brokers.

At processing level, the main challenge is meeting and maintaining the quality of potatoes. Consumers of potatoes usually consider quality of potatoes, i.e., the type (white-skinned, red-skinned) and the size of the ware. The fast-food outlets prefer the white-skinned, which they say is good for making crisps, chips and “chevda”. This is also likewise in case of the frozen potato chips that are gaining market particularly in leading supermarkets. For home consumption, the red-skinned type is usually preferred. Provision of these market preferred types of ware potatoes depend on the varieties grown by farmers. Many times the preferred types are not available, hence there has been a gap in terms of satisfying the different processing segments.

5. **Addressing price disparity at farm gate and consumer level**

The value of potatoes at production is reportedly half of its value at consumption (GOK, 2009). This is mainly due to the price disparity at the two levels brought about by many factors particularly associated with marketing aspects. While traders consider quality first to set the price of the ware, there has been growing shift of price setting based on the package sizes and weight of the ware. Another aspect that usually influences potato pricing is its perishability. Lack of on-farm storage structures play a negative role in price setting since farmers are left to depend on traders and cartels to set the prices in fear of their produce getting destroyed.

To address price disparity at production and consumption, government has developed several standards targeted to different players within the potato value chain. The Minister of Agriculture developed regulations governing potato
production, marketing and processing aspects of the value chain. At marketing, a
main challenge was standardization of the potato packaging sizes and weight. It
also included guidelines on the use of the best packaging material that would
enable maintenance of potato quality from farm level to consumer level. The
current legal framework (Legal Notice No. 44 of 2005) has set these standards.
The regulations indicate that ware potato should only be packaged, for trade, in a
sisal or jute bag. The size of such a bag should be enough to only accommodate
ware potato of 110 kg. Acting on the reports that traders were not willing to adopt
the regulations, the Ministry of Agriculture negotiated with the Ministry of Local
Government so that they can assure enforcement of regulations at the market
centres. This resulted to development of Legal Notice No. 113 of 2008, which
empowered the councils to enforce the regulation of ware potato packaging size
and weight.

One of the gaps that have been reported by several studies includes utilization of
knowledge information and systems to allow transparency in market information
and level the playground for different actors within the potato value chain.
Currently the Ministry of Agriculture has initiated an internet based program to
advice farmers and stakeholders on weekly consumer prices in major urban
centres (MOA, 2010). However, in many instances, few growers have access to
internet and therefore, proper channels for reaching grass roots are needed. The
ministry of Local Government would also be key in setting up information centre
and network for farmers and traders in the country.

6. Ware potato packages and weight

Of recent, the government of Kenya, through the Ministry of Agriculture, has
been keen on ensuring ware potato packaging, size and weight, is standard
throughout the country. The two legal notices (44 of 2005 and 113 of 2008) are
currently in force to ensure this standardization.
The recommended packaging is currently referred to as standard bag or flat bag. The bag itself is a standard size, used also in packaging of grains and many other commodities in the country though weight may vary depending on the commodity. When sewn, the standard bag will normally weigh 110 kg. Before setting of these regulations, the general practice in Kenya was the use of large sized bags capable of accommodating weight ranging from 130 to 280 kg. These bags are generally known as extended bags and they are usually prepared by weaving a net or other bag on top of the first bag, to accommodate the large weight. There are different forms of standard and extended-sized bags as shown in plate 2-5. Though the law stipulates that the package type should be jute or sisal, traders use wide range of materials (see plate 2-4), most of them not recommended by the government and impacts negatively on the potato quality. Though cumbersome to use, extended-sized bags have been very popular with traders because of cost cutting. These types of bags lead to farmer exploitation and farmers rarely will recover their cost of production when they sell using these bags. Lack of net returns sometimes makes farmers to change production to other entreprises that may be more profitable, hence these bags makes potato production unattrractive venture to farmers, explaining why production may be declining in the country as farmers may not be willing to invest in production. At market level, trading with extended bags deny councils revenue since these councils do not penalize the traders. Since levies are charged per bag, it follows that since standard-sized packages would result to more bags, councils would benefit more through implementation of the regulations contained in the legal notice no. 113 of 2008.
Plate 2: Standard sized bags made of unrecommended material

Plate 3: Extended sized bags made of recommended material
Plate 4: Extended sized bags in Karatina market made of both recommended (base) and unrecomended (extension) material

7. Objectives of the study

This study was carried out to monitor the implementation of the legal notice no. 113 of 5th September 2008 on potato packaging and package sizes in Kenya (Appendix 1). The main objectives include:

1. To carry out survey on the effectiveness of enforcement of standard potato bag in seven markets (according to Legal Notice No. 113 of September 2008).
2. To carry out impact study on the implementation of Legal Notice 113 of 5th September 2008.
MATERIALS AND METHODS

1. Study design

This study was designed by the consultant through consultation with KENAPOFA officials and other stakeholders that were interested with the findings, especially BAF. The questionnaire was designed to capture information, enforcement, and knowledge of the 2008 potato marketing regulations that are currently in operation. Seven markets; two in Nairobi (Kangemi market and Wakulima wholesale market), Nyeri (Karatina wholesale market) Meru (wholesale market), Nakuru (wholesale market), Mombasa (Kongowea wholesale market), and Eldoret (wholesale market) were selected for enumeration. After questionnaire development, it was tested in Kawangware private market and Kibera Othaya market. This included enumerator training on data collection and adjustment of the questionnaire.

2. The survey and sampling

The study was done through conducting face to face interviews with traders, farmers and council staff using a formal questionnaire (Appendix 2). In each market, 10 traders were randomly selected for the study. In addition, the nearby potato growers were visited and 10 farmers randomly selected for interviewing. In the market, the enumerators also interviewed council officials concerning the potato regulations and their implementation. All the interviews were conducted in December 2009, which was the peak harvesting period and high season for potato consumption due to the festive seasons during the month. The enumerators, who also were members of KENAPOFA were well trained on enumeration to avoid bias in terms of information sought from traders and farmers. Because these are key informants, the consultants also interrogated them on the aspects of potato packaging size and weight as well as enforcement of the regulations (Appendix 3). A meeting was planned for KENAPOFA national
officials (Appendix 4) whereby views were sought on the enforcement of the regulation. This meeting was also used to seek more information on the regulations and their enforcement.

3. Data analysis

Data was keyed in excel spread sheet and analyzed using SPSS statistical software. Other social-cultural methods of data collection and presentation were used, e.g., key informants and focused group discussion.

Results and Discussion

1. Characteristics of the traders

Fifty traders were interviewed during the survey period in 7 markets as shown in Table 1. The markets were selected randomly to represent main mairkets in the country. These markets also are important destinations for potatoes from different parts of the county.

Table 1: No. of markets visited and the number of respondents interviewed

<table>
<thead>
<tr>
<th>Market</th>
<th>Number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nairobi (Kangemi market)</td>
<td>8</td>
</tr>
<tr>
<td>Nairobi (Wakulima wholesale market)</td>
<td>9</td>
</tr>
<tr>
<td>Mombasa (Kong’owea wholesale market)</td>
<td>3</td>
</tr>
<tr>
<td>Meru (wholesale market)</td>
<td>10</td>
</tr>
<tr>
<td>NYeri (Karatina wholesale market)</td>
<td>10</td>
</tr>
<tr>
<td>Nakuru (wholesale market)</td>
<td>4</td>
</tr>
<tr>
<td>Eldoret (wholesale market)</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
</tr>
</tbody>
</table>
Among the traders who were interviewed, majority of them were male (64%), implying that a large number of females play an important role in the potato trade unlike in many other commodity based businesses where men are dominant. A large number of the interviewed traders were wholesalers (86%), others being either vendor (8%) or brokers (6%). This implies that the majority of the interviewees are involved in business that includes contacts with farmers. On average, the traders were in the business for 16 years. However, this ranged from 1 to 40 years (with a standard deviation (SD) of 11 years). This is an indication that they have experienced different government regulations and may be aware of any potato regulations that comes to force.

The traders reported that they usually source their ware potatoes during different times of the year from many different parts of the country (Table 2). Areas including Lari, Naromoru, Nyeri, Timau, Nyahururu, Timbora, Marakwet, Keiyo, Burnt forest, Lelan, Chelongoro and Kapcherop were mentioned but with lower response. A large percentage (10%) of the respondents said they also acquire potatoes from transporters who bring them to the market (see chart 1). The areas mentioned are situated in Central, Eastern, Rift valley and Western provinces.

Table 2: Main potato growing areas that supply the seven selected markets in Kenya

<table>
<thead>
<tr>
<th>Growing area</th>
<th>Province</th>
<th>Percent response (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narok</td>
<td>Rift valley</td>
<td>36</td>
</tr>
<tr>
<td>Kinangop</td>
<td>Central</td>
<td>22</td>
</tr>
<tr>
<td>Meru</td>
<td>Eastern</td>
<td>22</td>
</tr>
<tr>
<td>Nakuru</td>
<td>Rift valley</td>
<td>22</td>
</tr>
<tr>
<td>Nyandarua</td>
<td>Central</td>
<td>18</td>
</tr>
<tr>
<td>Mau</td>
<td>Rift valley</td>
<td>14</td>
</tr>
<tr>
<td>Iten</td>
<td>Rift valley</td>
<td>10</td>
</tr>
<tr>
<td>Mt Elgon</td>
<td>Western</td>
<td>10</td>
</tr>
</tbody>
</table>
From the interviews, it was noted that the wholesale traders have three ways/options that they use to source potatoes for their business (Chart 1). Some of the wholesalers buy directly from farmers while some buy from farmers through use of brokers. At the same time, there are brokers who purchase their ware potato from transporters. Those wholesalers who purchase from farmers directly or use brokers usually hire transporters to bring their ware to the marker. Some, however, have their own transport facilities. The transporters indicated that some buy directly from farmers but others use brokers to acquire their ware potato. However, they only sell their ware to wholesalers only. Consumers can be classified in different categories, e.g., those purchasing ware potatoes as well as those who purchase processed products, and these usually follow different chains as shown below.

Chart 1: Illustration of potato value chain actors as depicted by the survey
Potato areas supplying the surveyed market during the month of December 2009 were fewer compared with the record of the year round supply (Table 3). Areas such as Nakuru, Mau, Nyandarua, Meru, Naromoru, Nyahururu, Timboroa, Nyeri, Keiyo, Lelan and Mt Elgon were also mentioned but with less response. About 10% of the respondents also indicated that they had bought within market, i.e., from transporters.

Table 3: Main areas from where traders sourced their potatoes in December 2009

<table>
<thead>
<tr>
<th>Area</th>
<th>Percent response (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinangop</td>
<td>20</td>
</tr>
<tr>
<td>Narok</td>
<td>16</td>
</tr>
</tbody>
</table>

78% of all respondents buy their potatoes directly from farmers mainly (98%) in whole sacks. This implies that enforcement of regulation can be effected through targeting these traders as they have contacts with farmers. Of all the respondents, 88% indicated that they only buy extended sized bags, of which 86% are packaged in a sisal/jute bags and the rest (14%) in basania or use combination of all the package types (Fig. 3). The high usage of the recommended material of the bags is quite encouraging and it implies that traders are keen to maintain ware potato quality even though the material is more expensive compared with the other materials. However, even with these responses, most of the traders use unrecommended sack material for extension even when the first bag is made of jute/sisal, affecting the quality of the ware potato that they otherwise want to protect.
Traders were asked to indicate the usual weight of a standard and extended sized-bag. This was intended to capture their knowledge in estimation of the size of the standard bag, which is usually 110 kg. On average, their weight estimation of a standard sized bag was 130 kg (SD 19) while extended bag was 163 kg (SD 19). This general knowledge of the expected weight of standard sized bag is significantly different from the legally accepted 110 kg, which implies they do not measure the weight of the bags they purchase. When asked to indicate the weight of the bags they sell, on average it was 153 kg (SD 24), corroborating the evidence that most of them trade in extended sized bags (e.g., Plate 5).
Plate 5: Interviews with potato transporters in a market

Enumerators had general observations in the visited markets to note and estimate the number, size and weight of the different bags sold there at the time of interviews. They found on average 16 standard sized bags weighing 138 kg per trader among those who claimed to be trading with standard sized bags. Among the traders who are involved in selling of extended sized bags, the enumerator estimated an average of 47 bags per trader weighing 160 kg. These observations by enumerators clearly show that all the traders had bags with weights higher than the recommended 110 kg. It also shows that traders were not implementing the regulations and there was misconception of a standard bag. Their general observations also show that on average there were about 75 standard sized bags and 820 extended sized bags distributed among 202 potato traders per each market visited. This is equivalent to saying that standard-sized bags occupy only 8% of the marketed ware potatoes in the market daily during the month of December 2009, which is a high peak month for potato supply in the market.
Among the few traders who were involved in marketing of standard sized bags, they indicated that on average, they buy from farmers at KSh 1027 and sell these bags at KSh 1483. Likewise, they buy extended sized bags at KSh. 1337 and sell these at KSh. 2047 (Fig. 4). Using these figures, it shows that traders gain more from trading with extended sized bags (with 53% gains) compared with standard sized bags (with 44% gains). This 20% difference in gains could be the driving force by traders to avoid implementing the potato trade regulations, confirming records by Ministry of Agriculture that traders were exploiting famers in the month of January 2010 (Daily Nation, 2010). Using the figures of the number of extended bags per market (820), the amount of money lost by farmers is KSh. 208, 280.00 daily (equivalent to KSh. 21.67 million annually or 0.4% of the annual value of potatoes at farmgate prices).

![Average prices of potatoes at farm-gate and wholesale in December 2009.](image)

Fig. 5: Average prices of potatoes at farm-gate and wholesale in December 2009.

The average levy charged per bag by the council in the market was not significantly different. On average, standard sized bags were charged KSh. 54
(SD 24) while extended sized bags were charged at 45 (SD 26). Traders also noted that although there were no levies charged between farms and the market, they were forced to bribe in road-blocks with an average of KSh. 58 per extended-sized bag and KSh. 31 per standard sized bag. This shows that on average total levies per standard and extended sized bags is 85 and 103, respectively. The data also showed that Councils do not charge or penalize extended bags indicating that the council looses a lot of revenue. The council should, therefore, implement the Legal notice No. 113 of 2008 since they will gain in terms of getting more from many bags as a result of standard sized bags. There is indication of big loss of money due to the lack of implementation of the legal notice. Using the average number of extended bags recorded in the market per day, it can be shown that councils are loosing about KSh. 64,000.00 of unpaid levy per day that would be earned if traders implemented the Legal Notice No. 113 of 2008. Since council staff said they usually levy twice weekly, this loss amounts to KSh. 6.70 million annually.

2. Characteristics of the farmers

Among the farmers interviewed, 68% were men and 87% were small scale potato growers. Majority of the farmers (71%) sold their potatoes at the farm-gate and the rest utilized all market avenues, including taking their produce to the market. Farmers (95%) sold their potatoes to brokers but they usually pack the potatoes in extended bags (100%) provided by the brokers (87%), which are either jute or sisal type as reported by 80% of the farmers interviewed. Farmers reportedly were paid on average KSh. 1224 per extended sized bags by the brokers. This shows a difference of KSh. 113, which is basically the brokerage fee and it amounts to about 9% of the farmgate price. By avoaiding brokers, farmers would, therefore, save KSh. 9.64 Million (using the average daily number of extended bags). To achieve this, farmers should be encouraged to form marketing groups; community or farm storage, which will enable them negotiate prices of their ware potato as the factor of perishability will be overcome. The
government should also support farmers in provision of agricultural information on actual prevailing prices in the markets as well as production costs based on variety and ecology or region.

3. Knowledge and implementation of potato regulations on size and packaging

Among the traders, 92% acknowledged awareness of the current potato regulations on packaging. This indicates that the government and other stakeholders have done commendable work in creating awareness on the regulations and their requirements since their development and legalization. However, only 16% of the interviewed traders said they usually implement them. This is similar to an average of 22% reported by the traders as their competitors who are usually compliant to the regulations. Such findings show that enforcement has not been effective even after awareness creation. It also shows that awareness should go hand-in-hand with enforcement of the regulations. Among those who indicated lack of compliance, 49% said that no one demanded of them to do so (Fig. 6), confirming that there is lack of enforcement from the different agencies authorized to do so. While 51% said there was no additional benefit they gain from being compliant, it shows that left on the market forces, the regulations may not be effected. When asked the key challenge to implementation of the regulations, most of the traders (24%) based this on competition, i.e., extended sized bags are highly demanded and those with standard sized bags have less market for their potatoes, confirming that the current market forces are not in favour of the regulations. In such a case, it is the government that has to come in hardy to enforce such regulations.
Fig. 6: Reasons for lack of implementation of the regulations legal notice 113 of 2008 by traders

Among the farmers interviewed, 97% were aware of the new regulations governing potato packaging, implying that educational and other means of awareness have been effective in dissemination of the regulations requirements. 82% of the farmers correctly reported the maximum allowable weight as 110 kg per bag. 97% of the farmers were affirmative that brokers do not comply with these regulations, which they argue is because of the market stiff competition (63%) and also lack of enforcement by government agencies (27%). These factors are likewise the same recorded by the traders as the main force to lack of implementation of the regulations. It also shows that farmers and traders are engaged in transaction discussions and negotiation but it seems farmers are always at the receiving end. This calls for government action to prevent farmer exploitation. This is because farmers continue to be subjected to the broker cartel guidelines though they still insist on compliance with the regulations. These
regulations can only be complied to by farmers if traders/brokers are compliant. Another way of ensuring farmer protection is provision of financial services to farmers at harvesting period for family needs to enhance their negotiation powers for prices. This can be achieved by considering potato farmers for credits. Banks and microfinance institutions should consider loaning farmers since potato is a high input crop. Though farmers are aware they are loosing, they seem to have no solution to the broker/trader cartels.

When asked whether the regulations have been beneficial since their introduction, 57% objected. This was expected because even with development of the regulations, there has not been enforcement hence the benefits of the regulations have not tricked down to the farmers. Those who were affirmative indicated that the regulations have helped them to avoid being exploited (11%) and they usually get more money (52%) from potato sales. This was the expectations of the regulations and it shows that only few farmers are gaining, probably those who are engaged in large scale farming and may have contract farming business. It also explains that the regulations are usually beneficial to farmers but this can only happen if they are enforced.

Comparably, farmers were more aware on the new potato regulations governing package size and weight than traders (Fig. 7). This may be expected as these regulations targeted to protect farmers and hence stakeholders might have initially targeted awareness to the farmers. It also explains why the Legal Notice 113 of 2008 was important so that it can handle the traders directly. Though some traders were effecting the regulations, no farmer was implementing them indicating that farmers left alone are unable to implement the regulations due to many factors that are usually to their disadvantage such as price setting, storage facilities and cartels. This implies that channels for enforcement of regulations need to be revised and carefully considered if farmers will benefit from these regulations.
4. Focused group discussion in Mombasa

The meeting was attended by a council official, potato transporters, and wholesale traders as well as vendors involved in potato trade, making a total of 13 individuals. In the meeting, it was clear that potatoes from Tanzania, which usually supply the market in February, are always in standard sized bags that are either jute or sisal in make. However, this is not so for potatoes sourced from Kenya growers as all bags are usually extended with weight of 130-200 kg. Since these traders are already implementing the regulations while importing from Tanzania, it can also be done in Kenya but this requires government enforcement. The group acknowledged awareness of the recommended bag size and weight but suggested that the government has to enforce this since individual traders would be disadvantaged to do so alone. They suggested that this can be done by making sure growers are compliant and also at roadblocks or designated areas for monitoring movement of the ware before it reaches the market.
5. Discussion with informants (KENAPOFA enumerators)

In a meeting held to discuss general observations and experiences of the key informants before, and, during the survey period (Appendix 3), there was agreement among them that the regulations have not been implemented throughout the markets visited. One of the reasons was because the councils have not started to enforce the regulations, even with provisions of legal notice No. 113 of September 2008 being available and a circular from the Permanent Secretary (PS), Ministry of Local government of September 2009 instructing the councils to enforce the regulations. The reasons why this legal notice is not implemented in the councils was not clear, according to these informants. It was surprising to note that the council staff responsible for enforcement indicated that they had no idea of the legal notice as well as the PS circular. However, when these documents were provided to them, they agreed to start enforcement of the regulations. They also indicated that potato imports from neighbouring countries comply with the regulations. In addition, potato exports, particularly to Uganda, are usually in compliance with the regulations. However, traders buy from growers in extended-sized packages, which they later repack to the standard sized (flat) bags. In some instances, traders have created two collection centres within same growing area whereby one centre is for local market and packages are extended while the other is for export and bags are standard sized. This implies that traders know and are able to implement regulations but are currently trading with impunity. The informants noted that the potato regulations contained in Legal Notice No. 133 of 208 were first developed in Kenya before the same were developed in neighbouring countries. However, while other countries are implementing and government enforcing, this is not so in Kenya. Another observation by the informants was the inability of growers to implement the regulations. Although traders suggested this as an option, these informants were apprehensive because the broker cartels would dismantle such grower unity. Therefore, the alternative would be to consider government led initiatives. The informants suggested several strategies that included:
1. Use of media to continue educating the stakeholders on the need to implement provisions of the regulations and expose farmer exploitation by the traders.

2. Ministry of Agriculture to gazette inspectors as provided by the Legal Notice No. 44 of 2005 to lead in enforcement. KENAPOF A should be part of the gazetted inspectors so that they can be empowered to ensure implementation of the regulations.

3. Ministry of Local Government to monitor the Department of Inspectorate in all councils to ensure enforcement and compliance with Legal notice No. 113 of 2008.

4. Ammendment of regulations to clearly state that the standard bag should be flat and has no extension. It should also be sewed and have holes running on the length of the bag for quality inspection. They indicated this is possible as it happens with bags from Tanzania.

5. There was suggestion that regulations and enforcers should target all value chain actors.

6. Construction of community based storage facilities, which is currently happening in some areas such as Mt. Elgon. The government can facilitate this by helping farmers to access credits at reasonable market rates.

7. Formation of National Potato council that would work closely with KENAPOF A to ensure implementation.

8. Information and knowledge sharing: farmers need to be advised end of cropping season in terms of the production costs so that they use this to bargain for minimum prices per bag. In addition, information on prevailing market prices should be disseminated to farmers to reduce exploitation.

6. Discussion with informants (KENAPOF A National Officials)

A meeting was scheduled to discuss preliminary findings of the report (Appendix 4) and this meeting formed an important source of information for incorporation in
the report. This is because KENAPOMA has been involved in development and implementation of the regulations (Legal notices Nos. 44 of 2005 and 113 of 2008). The officials also come from wide parts of the country where potatoes are grown. During the meeting, it was confirmed that there has been no serious enforcement from councils in implementation of the Legal Notice No. 113 of 2008. However, they indicated that when the officials engaged the councils, the judiciary and police department, in some areas the enforcement was good. An example was provided that since January 2010, Nyeri council started implementing the regulations. This shows that it is worthwhile for the government to empower KENAPOMA in enforcing the regulations by appointing them as inspectors and subsequently gazetting them. In Meru, it was reported that councillors would be willing to enforce but they expect to get briefing from the Mayor. This indicates that the MOLG should involve the mayor and councillors in enforcement among other strategies that they may use. The meeting confirmed the strategies developed by an earlier meeting by enumerators (Appendix 3) with additions to what they suggested:

1. Establishment of KENAPOMA secretariat to aid in the administrative issues and enforcement of the regulations.
2. Finalizing, legalizing and implementing the Potato National Policy that is still in a draft.
3. Involvement of KENAPOMA in dissemination of information on potatoes.

CONCLUSIONS

1. General Conclusions

This study shows clearly that potato traders and farmers have full knowledge of the requirements of the Legal Notice No. 113 of 2008, which was precedent by the Legal Notice No. 44 of 2005. However, there is no implementation both at farm level and market level. Both farmers and traders are willing to adopt the new regulations. However, traders are currently limited by stiff competition whereby
those who have adopted the regulations are disadvantaged in terms of the net benefit as well as product flow. The extent of adoption of the Legal Notice No. 44 of 2005 was beyond the scope of this study and hence could not have been shown. It is only through enforcement of the by-laws by the relevant government authorities that the marketing of potatoes can be based on a standard bag of 110Kg.

2. Suggested strategies for enforcement

The suggested strategies for enforcement of Legal Notice No. 44 of 2005 and Legal Notice No. 113 of 2008 are:

1. Government enforcement:
   a. The Legal Notice No. 44 of 2005 gives power the Minister of Agriculture to appoint an inspector to foresee implementation of the regulation therein. Up to date, there has been no gazettement of an inspector to implement the regulations. Therefore, it is suggested that the Ministers gazette officers who will be able to implement these regulations. This could be KEPHIS and/or Kenya Police or any other public institution, including KENAPOFA.
   b. The Legal Notice No. 113 of 2008 allows the council to effect the regulations provided by the legal notice no 44 of 2005. However, the evidence shows this has not been effected. It is suggested that the Department of the Inspectorate and department of Social Services should be authorized to foresee implementation of the regulations at council markets. The ministry of local should keenly follow the implementation of the by-laws.
   c. Inter-ministerial meetings: It is suggested that all government departments that may play a role in implementation of the regulations to come together and clearly spell their area of implementation. Bi-annual meetings where they report progress could play a major role in implementation of the regulations.
2. Potato package size and weight: Although this has been well defined in the legal notices, there is need to enhance the regulations. Usually the 110 kg required by the regulations fits within the standard sacks that are used even for other commodities, particularly grains. The regulations should indicate that such a 110 kg bag should be flat (with no extension) and should be sewed. To ensure and allow for inspection of the potatoes the bag should have standard openings along the length. This is happening for ware imported from Tanzania.

3. Potato market value chain: while the regulations considered growers and traders, the brokers have remained aloof. This has scuttled ability to implement the regulations. It is suggested that laws be put in place to tame and manage potato brokers who form a very strong cartel. The following can be done
   a. Traders: it was clear that these stakeholders have no registered grouping, which makes it difficult for government and KENAPOFA to negotiate with them. They should be encouraged to form an association
   b. Brokers: these also have no registered organization and should be encouraged to form one.

4. Knowledge and Information Systems:
   a. The level of knowledge about the regulations was high among the stakeholders, implying that the government initiative to create awareness was effective. However, this has not been translated to implementation of the regulations requirements. One of the reasons for the new regulations is their benefit to farmers. To achieve this, information flow should be enhanced. This implies that the government (Ministry of Local Government) should have daily reports on the prices of the commodities for different markets. In addition, in every season, before harvesting, government (Ministry of Agriculture) should release the minimum prices that farmers should expect to be paid per bag of potato, considering the
production costs per variety and region. This will reduce exploitation by traders even when they implement the new regulations. It will enable farmers to have a base price that they can negotiate with traders.

b. Media interaction has been quite successful in awareness creation to the farmers, consumers and traders. The media have played their role in sensitizing the public on the regulations and also reporting ill practices of potato trade. This should still continue by Ministry of Agriculture as a support to the potato market chain.

5. Establishment of community storage facilities at the growers sites: This is a long term strategy that would be effective in stabilizing prices and income from the potato sector. Already there are few grower groups, e.g., at Mt Elgon, who are already practicing such albeit at small scale level. It is incumbent upon the potato stakeholders to come up with the best ways of ensuring there are storage facilities if the industry will have to grow.

6. Farm level storage where farmers can store their potato after harvest should be encouraged. Most farmers sell their produce to the brokers right at the farm after harvest. This gives the opportunity to brokers to dictate the prices because they know the farmer will cannot leave his harvested potatoes in the field because they will be stollen.

7. Contract farming: this is a cheap way of ensuring there is implementation of the regulations. It is already happening in some areas targeted by few traders and processors. Established traders and major supermarkets should be encouraged to engage farmers in contract farming business. Other than the implementation aspects, this kind of farming ensures traceability, which is becoming crucial in trade as many consumers demand responsibility within the value chain. It is also ensures stable negotiated prices before planting the crop.

8. Establishment of National Potato Council could be key to enforcement of the regulations.
9. Completion and implementation of Potato policy would enable key stakeholders play a big role of the potato industry in Kenya

BIBLIOGRAPHY

4. Daily Nation No. 16408 of 20 January 2010
APPENDICES

Appendix 1: Reference of consultancy

Title: monitoring and evaluation of implementation of legal notice (agricultural produce standard weight packages) of 113 of 5th September 2008

Introduction
This contract for consultancy services towards implementation of Legal Notice 113 of 5th September 2008 dated this 9th of December 2009 between Kenya National Potato Farmers Association and Prof. J.H. Nderitu of P.O. Box 1282-0515 Nairobi.

Background
KENAPOFA is member based organisation for all potato farmers in the Republic of Kenya. Its mandate is to lobby and advocate for farmers gains through good agricultural practices. It was formed in 2003 and registered on 2006. The greatest concern was on the package of potatoes which are sold in bags such that the size of these bags varied from 130kg to 280kg and this is influenced by the fact that transporters are charged per bag. In 2005 legal notice No. 44 was gazetted by the Ministry of Agriculture (MoA) to standardize the bags but enforcement has been very slow. Another legal Notice No. 113 of September. 2008 was also gazetted and circular sent to all local and municipal markets to bar any extended bags in the market.

Objectives
To carry out survey on the effectiveness of enforcement of extended potato bag in six markets (according to Legal Notice No. 113 of September 2008).

Impact study on the implementation of Legal Notice 113 of 5th September 2008.

Inputs and scope of work
KENAPOFA proposes to visit the main markets for potatoes around the country and monitor the extent to which potato brokers and the authorities abide by the new set of enforcement procedures. The consultant will design the questionnaire to assess the impact on farmers gains of the implementation of the enforcement by-law. The consultant will analyze the data collected by KENAPOFA from the six markets and write a report to be disseminated to potato stakeholders.

**Output and deliverables**
The consultant will design the questionnaire, analyse the data and produce a report. The consultant will present the report at a one day workshop to the KENAPOFA Board. Thereafter, the consultant will revise the report and produce the final report for dissemination to potato stakeholders, BAF and government agents.

**Fee and reporting**
The consultant will work for 15 days. The consultant will be paid a down payment of 30% on commencement of the job. The consultant will be paid a further 30% on presentation of the draft and the remaining 40% on presentation of an acceptable final report.
The consultant will be reporting on the progress of the work to the chairman, KENAPOFA.

**Background Documents**
The consultant will be provided with 2 legal notices and other documents that are useful for this work to be carried out (i.e. KENAPOFA constitution, strategic plan, KENAPOFA Brochure).

**Timing**
The contract is for a maximum of three months from the date of signing the contract. The consultant will undertake the activities as shown below:
Design questionnaire – 1 day
Training of enumerators (KENAPOFA officials) – 1 day
Pre-test the questionnaire in Nairobi by the enumerators and the consultant – 1 day
Improving the questionnaire after the pre-test for final enumeration – 1 day
Data collection in the market by the enumerator – 1 day
Field monitoring of data entry in Nairobi – 1 day
Data entry and aggregate the data from different markets – 3 days
Data analysis – 1 day
Report writing – 2 days
Meeting with KENAPOFA board – 1 day
Editing and production of final report – 1 day
Presenting the report to the Ministry of Local Government and Ministry of Agriculture by KENAPOFA and consultant – 1 day


_________________________________________  _________________________
Patrick Njogu                                               Date
Chairman, KENAPOFA

Signed by Consultant

_________________________________________  _________________________
Prof. John H. Nderitu                                         Date
### Appendix 2: Questionnaire used for enumeration

**Trader Enumeration**

#### Section 1: Background

<table>
<thead>
<tr>
<th>Question code</th>
<th>Question</th>
<th>Answer</th>
<th>Codes for answers</th>
</tr>
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<tbody>
<tr>
<td>T1</td>
<td>Date of Interview</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T2</td>
<td>Questionnaire no.</td>
<td></td>
<td>Filled by supervisor at the end of the day</td>
</tr>
<tr>
<td>T3</td>
<td>Market visited for interview</td>
<td></td>
<td>1= Nairobi Kangemi</td>
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<td></td>
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<td></td>
<td>2= Nairobi Wakulima</td>
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<td></td>
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<td>3= Mombasa Kongowea</td>
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<td></td>
<td>4= Meru town</td>
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<td>5 = Nakuru town</td>
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<td></td>
<td></td>
<td>6=Eldoret town</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>7= Nyeri Karatina</td>
</tr>
<tr>
<td>T4</td>
<td>Name of the trader/Interviewee</td>
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<td>(optional)</td>
</tr>
<tr>
<td>T5</td>
<td>Sex of the trader</td>
<td></td>
<td>1=male</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2=female</td>
</tr>
<tr>
<td>T6</td>
<td>Trader category</td>
<td></td>
<td>1 = Vendor</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 = Broker</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>3 = wholesaler</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4= Other (name)</td>
</tr>
<tr>
<td>T7</td>
<td>Interviewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T8</td>
<td>Start time</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T9</td>
<td>End time</td>
<td></td>
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#### Section 2: Potato marketing

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<tr>
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<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>T10</td>
<td>How long have you been involved in potato trade?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T11</td>
<td>List areas where you usually buy potatoes from</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T12</td>
<td>Where did you buy the current consignment of potatoes?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T13</td>
<td>From whom did you source</td>
<td>1= farmers</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Options</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| T14 What kind of packaging do you buy your potatoes?                     | 1=full sacks  
2=small portions  
3=other (name it) |
| T15 If full sacks, what is the usual size of a sack                      | 1=standard size  
2=extended size  
3=both  
4=Other (indicate) |
| T16 What type of bag do you purchase your potatoes in?                   | 1=jute bags  
2=sisal bags  
3=other (list) |
| T17 What is the average weight (kg) of standard bag                      | Standard bag, no & weight =  
Extended bag, no & weight =  
Other= |
| T18 What is the average weight (kg) of extended bag                      | Standard bag, no & weight =  
Extended bag, no & weight =  
Other= |
| T19 What is the usual weight (kg) of the bags you normally buy?          | Standard bag, no & weight =  
Extended bag, no & weight =  
Other= |
| T20 The enumerator should indicate the types of the bags the trader has before continuing with the next question | Standard bag, no & weight =  
Extended bag, no & weight =  
Other= |
| T21 How much do you purchase and sell your standard bag                 | Buying price=  
Selling price= |
| T22 How much do you purchase and sell your extended bag                  | Buying price=  
Selling price= |
| T23 Do you know how much farmers sell extended-sized bags?               | 1=yes  
2=no |
| T24 Do you know how much farmers sell standard-sized bags?               | 1=yes  
2=no |
| T25 If yes to T23&T24, please indicate the farmer prices, KSh            | Extended bags=  
Standard bags= |
| T26 How much do you pay levy to the local council of this market per bag?| Extended bags=  
Standard bags= |
| T27 Are there other levies you pay after acquiring your potatoes before your final destination in this market? | 1=yes  
2=no |
| T28 If yes, please indicate total levies charged                         | Extended bags=  
Standard bags= |
### Section 3: Recent regulations on potato packaging

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<td>T30</td>
<td>Do you know the current regulations on packaging of potatoes for market?</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2=no</td>
</tr>
<tr>
<td>T31</td>
<td>If yes, do you observe them?</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2=no</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3=not all</td>
</tr>
<tr>
<td>T32</td>
<td>If no, why?</td>
<td></td>
<td>1=not one demands</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2=I can easily bribe</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3=no benefits</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4=other (specify)</td>
</tr>
<tr>
<td>T33</td>
<td>If not all, which ones do you observe?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T34</td>
<td>On average amongst your competitors, how many (%) do observe the new packaging regulations?</td>
<td></td>
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<tr>
<td>T35</td>
<td>What are the 2 main challenges that you face while implementing the new packaging regulations?</td>
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### Section 4: Observation of potato bags in the market by enumerator

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<tbody>
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<td>T36</td>
<td>Number of standard-sized bags in the market</td>
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</tr>
<tr>
<td>T37</td>
<td>Number of extended-sized bags in the market</td>
<td></td>
</tr>
<tr>
<td>T38</td>
<td>Number of potato traders in the market</td>
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**Farmer Enumeration**

### Section 1: Background

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<td>Nearest regional market</td>
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<td>3 = Mombasa Kongowea</td>
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<td></td>
<td></td>
<td>7 = Nyeri Karatina</td>
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<tr>
<td>F4</td>
<td>Name of the farmer (optional)</td>
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</tr>
<tr>
<td>F5</td>
<td>Sex of the farmer</td>
<td>1 = male</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>2 = female</td>
<td></td>
</tr>
<tr>
<td>F6</td>
<td>Farmer category</td>
<td>1 = small scale grower</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 = large scale grower</td>
<td></td>
</tr>
<tr>
<td>F7</td>
<td>Interviewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F8</td>
<td>Start time</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F9</td>
<td>End time</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Section 2: Potato marketing

<table>
<thead>
<tr>
<th>Question code</th>
<th>Question</th>
<th>Answer</th>
<th>Codes for answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>F10</td>
<td>Where do you sell your potatoes?</td>
<td>1 = farm-gate</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 = nearby regional market</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 = roadside/shopping centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 = All</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 = other (indicate)</td>
<td></td>
</tr>
<tr>
<td>F11</td>
<td>Do you sell to brokers?</td>
<td>1 = yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 = No</td>
<td></td>
</tr>
<tr>
<td>F12</td>
<td>If yes, do they provide you with the packaging bags?</td>
<td>1 = yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 = no</td>
<td></td>
</tr>
<tr>
<td>F13</td>
<td>If yes, what kind?</td>
<td>1 = jute bags</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 = sisal bags</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 = other (list)</td>
<td></td>
</tr>
<tr>
<td>F14</td>
<td>Which size of the bags are you given by the brokers?</td>
<td>1 = standard</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 = extended</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 = other (indicate)</td>
<td></td>
</tr>
<tr>
<td>F15</td>
<td>How much do they pay you Standard=</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question code</td>
<td>Question</td>
<td>Answer</td>
<td>Codes for answers</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>F16</td>
<td>If you sell in regional market, what is the common packaging size used?</td>
<td>1=standard</td>
<td>2=extended</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3=other (indicate)</td>
<td></td>
</tr>
<tr>
<td>F17</td>
<td>How much do you charge per bag?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 3: Recent regulations on potato packaging**

<table>
<thead>
<tr>
<th>Question code</th>
<th>Question</th>
<th>Answer</th>
<th>Codes for answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>F18</td>
<td>Are you aware of the recent government regulations on potato packaging?</td>
<td>1=yes</td>
<td>2=No</td>
</tr>
<tr>
<td>F19</td>
<td>If yes, what is the recommended potato bag weight (kg)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F20</td>
<td>Do brokers who buy from you adhere to these regulations?</td>
<td>1=yes</td>
<td>2=No</td>
</tr>
<tr>
<td>F21</td>
<td>If no, what do they say is the reasons for not doing so?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F22</td>
<td>Do you insist to them that they have to follow regulations?</td>
<td>1=yes</td>
<td>2=No</td>
</tr>
<tr>
<td>F23</td>
<td>Do you think the regulations have benefited you and other growers?</td>
<td>1=yes</td>
<td>2=No</td>
</tr>
<tr>
<td>F24</td>
<td>If yes, in what ways?</td>
<td>1=no exploitation</td>
<td>2=we get more money</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3=other (indicate)</td>
<td></td>
</tr>
</tbody>
</table>

**Appendix 3: Focused group discussion with key enumerators**

Minutes of a meeting held in towards fulfillment of KENAPOFA consultancy on ‘the monitoring and evaluation of implementation of legal notice (agricultural produce standard weight packages) 113 of 5th September 2008’ at KARI NARL on 12 January 2010

**Present**

1. Prof. John Huria Nderitu, Lead Consultant and Chairing (0722308581)
2. Dr. Muo Kasina, Assistant Consultant and Taking minutes (0723375984)
3. Mr. Patrick Njogu- National Chairman, KENAPOFA and supervisor/enumerator in enumeration, Nairobi, Nyeri, Meru (0720706456)
4. Mr. Edward Mwamba- National secretary, KENAPOFA and enumerator in enumeration, Mombasa & Nairobi (0722356432)
5. Ms. Eunice Jeptoo- National treasurer, KENAPOFA and enumerator in enumeration, Nakuru, Eldoret (0722781095)

Agenda
1. Introduction: Consultancy ToRs, Consultancy programme
2. General comments from enumerators: what might not have been captured in the questionnaire
3. Enumerators clarification on questionnaires: missing gaps
4. Nakuru and Eldoret questionnaires: Need for exclusion from analysis
5. Strategy for enforcement of the potato marketing regulations:
   KENAPOFA/enumerators perspectives
6. AOB

The meeting was called to order by Prof. Nderitu at 0930 h. Patrick Njogu led with a word of prayer. Agenda was read and edited All the members adopted the Agenda. Prof. Nderitu informed the members that this meeting was designed to gain insight and capture important information that might not have been captured by the enumeration process but the enumerators could have had. He also noted that according to the consultancy terms, the meeting had not been scheduled but he had discussed this with Mr. Njogu, chairman KENAPOFA who agreed after consulting the other 2 members.

Agenda 1: Introduction to the consultancy and expected time frame

Prof. Nderitu explained to the meeting that the consultancy was signed after several meetings with Clive, CEO, BAF and Njogu, Chairman, KENAPOFA with the agreement that the consultancy will be signed by KENAPOFA. Dr Kasina was in one of the meetings with Cleve but not a signatory to the consultancy. The draft questionnaire was developed by KENAPOFA and BAF, which was given to the consultants for designing and development ready for implementation. The number of days negotiated for the consultants were 15 spread within 3 months. This was in agreement with BAF though KENAPOFA gave the consultancy. The days/activities for the consultants are clearly spelled in the terms of reference (ToR) signed between Mr. Njogu and Prof. Nderitu on 09 December 2009.

The actual activities already done include:
1. Questionnaire design and circulation: target for enumeration was 10 traders & 10 farmers; others: council clerks and enumerator observation per market
2. Pre-testing at Kawagware and Kibera both in Nairobi: there was no improvement of the questionnaire since it was well understood, hence enumeration followed immediately
3. Enumeration in all 7 markets and 5 farmer regions
4. Monitoring of enumeration in 2 markets (Nairobi Marigiti and Kangemi) and 1 farmer region (Nairobi- Lari)
5. Receiving of all questionnaires from KENAPOFA (Njogu)
6. Data entry of the questionnaires
7. This meeting to clarify on the questions emanating from enumeration/filling of questionnaires, among other things

Comments on Agenda 1
1. Njogu: Agreement of Njogu with Clive was that Njogu was to supervise enumeration of all regions. However, after Njogu held meeting with KENAPOFA board, duties were shared as indicated in the attendees of this meeting. He also noted that some enumerators never met consultants, which could have impacted on the issues that might be raised in some of the questionnaires. He commended the consultants for availing themselves and guiding the enumeration.
2. Prof. Nderitu also commended on the enumerators for the good work and indicated to them that it is now clear that stakeholders (consumers of information) can participate in enumerating scientific information from their members contrary to what currently is happening.
3. Njogu also noted that KENAPOFA as the association of farmers usually rely on funds from donors to carry out its activities. The money for this consultancy was courtesy of BAF. This was a second allotment from BAF who also supported KENAPOFA to lobby government to create standards on potato regulations. This consultancy will provide KENAPOFA with evidence to lobby government in enforcing the already developed and legalized standards on potato trade. He also said that this meeting was good and it helped them to get involved in the whole process without waiting for the draft report.

Agenda 2: General comments from enumerators: what might not have been captured in the questionnaire

This agenda was shared by Prof. Nderitu. He gave time for every enumerator to describe the outcome and key insights from the enumeration exercise of their area.
1. Mwamba: He indicated that in Mombasa, potatoes are sources mainly from Mau Narok, Nyandarua and Molo. He noted that all the packaging was extended ranging from 150 to 200. The traders usually are interested with quality and then quantity. While it is easy to compete with quality, all traders are forced to use extended bags since this the demand from the market. In a meeting he had organized with traders, they suggested that for the regulations to be effective, farmers have to be organized and accept to sell standard bags only.
   a. However, this was seen as not feasible due to trader and broker cartels that usually dictate the size farmers will pack their produce
b. A suggestion that farmers in same region have a collection point was also seed by this meeting (NARL) that it would not work due because potatoes are perishable. However, with construction of coolants, as is happening in Mt Elgon, could help farmers store their potatoes for long and dictate as well the prices/ package size of their commodities.

c. Mwamba indicated that farmers on the other hand, are suggesting regulations should be effected at the market level to protect the farmers from the cartels. They said that different government agencies should be involved and coordinated to effect this.

d. In Mombasa, traders suggested that potatoes can be packaged similar to those coming from Tanzania. These potatoes are packed in a sewed jute bag of 110 kg and the bags have spaces along the length to allow for quality assessment/inspection. The top of the bag is flat and sown, with no extension.
   i. This NARL meeting agreed this is a good step to take for enforcing the regulations. In addition, it was argued that Uganda also uses similar standards that were agreed in a ECA meeting in Uganda and were adopted from the Kenyan standards

e. Mwamba noted that traders in Kisii, Kisumu, Malaba have adopted the new regulations and extended bags are not in use. These markets were outside the enumeration areas. Also Eunice indicated that all potatoes to Uganda are standard size but usually traders buy extended bags which they later offload to convert to standard bags. This is a loss to farmers.

2. Eunice Jeptoo: She indicated that the issues raised by Mwamba ware similar in her enumeration area and other parts of the country. She indicated that traders in Eldoret have cartels and are also selling to Uganda using standard bags but at Eldoret market is extended. She also indicated that brokers have a very strong cartel, which controls farm gate prices as well as packaging size. She gave an example of Timboroa whereby potatoes targeting Uganda/malaba are standard sized but those for in country market are extended.
   a. Prof. Nderitu noted that this is basically impunity, whereby there are legal regulations but no one follows them while the worst is that the laws are not implemented
   b. Jeptoo suggested the need to create information centers in key markets to advice on daily prices so that farmers know current prices of potatoes. An example of such centre is at Toro market. Prof Nderitu suggested that KENAPOFA should manage such information so that they advice their members accordingly. However, Njogu indicated that the broker cartels are controlling the prices with no one stopping them.
      i. Mwamba indicated that the current evidence show that production cost of potatoes is 700 per bag so if farmers get
800 and above it is beneficial. However, this information was seen as non currental and it was suggested that the Ministry of Agriculture should provide prices for different regions and for different varieties so that farmers are aware of the cost of production and guideline on minimum prices per season.

3. Patrick Njogu: he read a small report on potato industry in Kenya (to be shared and circulated to all). He emphasized that the local traders are already following the packaging regulations for export commodity but this is not the case for local market. He also noted that farmers, brokers and traders are already aware of the regulations but there is no one implementing these regulations. He said that already farmers are feeling the government is not doing anything to implement the regulations. He indicated that some societies, e.g. Njuuri Njeke in Meru, are implementing the regulations but only for Kerspink potato variety growers. However, potatoes from nearby Naromoru are always extended hence providing competition. In Nyeri, potatoes are packaged in extended bags. The council initially had introduced a penalty fee but now has withdrawn such. He indicated that in many markets, including Nairobi, trader cartels are usually known to the council and are given powers to manage the sector.

   a. Prof. Nderitu suggested that it would be important to know whether these cartels are registered with the relevant government ministry as an association and if they are not registered they should be encouraged to do so. Members indicated that these are not registered. KENAPFOFA were advised to push for the registration of these and also broker association so that they can engage them on negotiations for implementation of regulations.

**Agenda 3: Enumerators clarification on questionnaires: missing gaps**

This agenda was chaired by Dr. Kasina. All the enumerators were given their questionnaires so that they can clarify on the issues raised by Dr Kasina while he was entering the data into the computer for analyses. The clarifications were considered and areas of questions agreed on.

**Agenda 4: Nakuru and Eldoret questionnaires: Need for exclusion from analysis**

This agenda was also shared by Dr Kasina. He elaborated on the reasons why the consultants suggested the questionnaires from Nakuru and Eldoret, both for traders and farmers, not to be considered for analysis with others. Some of the reasons included

1. Some questionnaires sharing similar information such as time of filling by same enumerator, same respondent and other entries similar
2. Some questionnaires with responses different from those of other regions particularly where they source potatoes in same places but prices given are highly varied
The enumerators looked critically on the affected questionnaires and they all agreed there was a case for consideration. However, they requested the consultants to use only questionnaires that are different instead of discarding all the questionnaires since some carried relevant information. This was agreed by all.

**Agenda 5: Strategy for enforcement of the potato marketing regulations: KENAPOFA/enumerators perspectives**

This agenda was chaired by Prof. Nderitu. He invited the KENAPOFA officials to provide suggestions on enforcement of the regulations.

1. Njogu indicated that farmers cannot do much but there is need to target markets to effect the regulations. He also indicated that KENAPOFA should not be given the responsibility of manning barriers but council should do this.
2. Mwamba: he suggested use of the coming stakeholder meeting with consultants whereby there should be a press release on same day on issues of potato regulations. He said that in such a forum, KENAPOFA will provide reasons why enforcement should be done. He also indicated that there should be campaign for sensitizing farmers on the need to implement regulations
   a. Prof. Nderitu noted that sensitization should always continue but it was important to consider other ways of enforcement such as targeting government agencies (council, ministry of agriculture, police force)
   b. Members indicated that the by-laws do not cover the whole value chain but only concentrates on marketing hence the failure
   c. Also members noted that while the legal notice gives the minister to appoint inspectors who would implement the regulations, this has not been done through the gazette notice.
   d. In the local government, it is not clear whether department of inspectorate and social services is involved as it is key to implementation.
   e. Establishment of storage facilities was also suggested as a means to enforcement as farmers cannot be compelled to sell their potatoes as fast. In Mt Elgon, there is a private cold storage constructed with local materials and it serves the farmers very well.
   f. Members also suggested that the yet to be formed National Potato Council could be key to enforcement of the regulations.

**Agenda 6: AOB**

Members agreed to set dates for the remaining consultancy activities as follows:

1. Consultants meeting with KENAPOFA board: 28 January 2010 to discuss the draft report
2. stakeholder meeting on the final report on 09 February 2010, venue KARI NARL seminar room
a. Key stakeholders were listed as
   i. MOA
   ii. MOLG
   iii. GTZ
   iv. BAF
   v. CAB
   vi. KENFAP
   vii. Media
   viii. KARI
   ix. CIP

b. The stakeholder meeting, dubbed, ‘Potato Debate’ will be for 3 hours from 0900 h

Having there no other business the meeting was officially closed by Prof. Nderitu at 1320 h.

Minutes signed by

Chairman ___________________________ Date ___________________________

Secretary ___________________________ Date ___________________________

Appendix 4: Focused group discussion with KENAPOFA national officials

Minutes of a meeting held with KENAPOFA National Officials as part of KENAPOFA consultancy on ‘Monitoring and evaluation of implementation of legal notice no. 113 of 5th September 2008 (the local government (adoptive by-laws) (agricultural produce) (standard weight of packages) order, 2008)’ at KARI NARL on 28 January 2010

Present
   6. Prof. John Huria Nderitu, Lead Consultant and Chairing (0722308581)
   7. Dr. Muo Kasina, Assistant Consultant and Taking minutes (0723375984)
   8. Mr. Patrick Njogu- National Chairman (0720706456)
   9. Mr. Edward Mwamba- National secretary (0722356432)
   10. Ms. Eunice Jepto- National treasurer (0722781095)
   11. Mr. Charles Kimaru- Chairman, Nyandarua District (0720926227)
   12. Mr. Francis Kairu, Chairman, Nyeri District (0724108676)
   13. Bishop Rukaria Gitonga, Chairman, Meru District (0722842453/0727462111)
14. Mr. Ezekiel Ole Saoli, Chairman, Narok District (0728175203/0720118561)

**Agenda**

7. Introduction: Consultancy ToRs, Consultancy programme
8. Oral presentation of the consultancy report
9. Comments of the report by the KENAPOFA officials
10. Strategy for enforcement of the potato marketing regulations: KENAPOFA officials
11. Preparation for stakeholder meeting
   a. Identification of stakeholders
   b. Agenda of the meeting
12. AOB

The meeting was called to order by Prof. Nderitu at 0935 h. Patrick Njogu led with a word of prayer. Prof. Nderitu read to members the agenda of the meeting and allowed them to modify and adopt. All the members adopted the Agenda. Prof. Nderitu informed the members that this meeting was made to present the findings of the draft report that had already been sent to the National Chairma, KENAPOFA. In addition the meeting was designed to gain insight and capture important information that might not have been captured by the report and would be important in enforcement of regulations since the members present are key stakeholders and represent an important segment of the potato value chain. He explained to members that the meeting was scheduled for in the consultancy terms of service. Njogu, on a point of order, noted that KENAPOFA has no board currently constituted hence the members attending are national officials. This was agreed upon by all.

**Agenda 1: Introduction to the consultancy and expected time frame**

Prof. Nderitu called on to all members to introduce themselves. After introductions, Prof. Nderitu allowed Njogu to introduce consultancy terms of services, the current status of the consultancy and expectations. Njogu explained that KENAPOFA has usually little financial resources but they are allowed to search for these funds from donors. KENAPOFA, therefore, approached BAF for sustainability support fund, which was to start in Dec 2009. BAF agreed to provide this fund but they also noted that KENAPOFA has not been growing since its formation. After discussions with KENAPOFA charman, BAF agreed to initially provide financial support to KENAPOFA for a study to monitor the implementation of legal notice no. 113 of 2008, and also to understand whether potato farmers are aware of the regulations. BAF also selected Prof. Nderitu for the consultancy. Therefore, Prof. Nderitu made agreements with BAF.

Njogu informed members that the consultancy was for 15 days (consultant) spread in 3 months from December 2009. Njogu was to employ enumerators but this was changed after meeting with KENAPOFA officials who agreed to share
He explained that the questionnaire was developed by consultant with inputs from KENAPOFA and BAF. The actual activities already done include:

8. Questionnaire design and circulation: target for enumeration was 10 traders & 10 farmers; others: council clerks and enumerator observation per market
9. Pre-testing at Kawagware and Kibera both in Nairobi: there was no improvement of the questionnaire since it was well understood, hence survey followed immediately
10. Survey in all 7 markets and 5 farmer regions: This was done by Njogu, Jeptoo and Mwamba. Njogu explained that he was trained on enumeration so that he can train others
11. Monitoring of enumeration in 2 markets (Nairobi Marigiti and Kangemi) and 1 farmer region (Nairobi- Lari)
12. Receiving of all questionnaires from KENAPOFA (Njogu)
13. Data entry of the questionnaires
14. A meeting to clarify on the questions emanating from survey/filling of questionnaires, among other things
15. Data analysis
16. Draft report has been received
17. This meeting to present the draft report to the KENAPOFA national officials

He called upon all the members present to make full comments about the report.

Comments on Agenda 1
4. Prof. Nderitu reiterated the usefulness of involving stakeholders in surveys unlike in many studies that do not involve the consumers of the information. He was delighted that the enumerators did a good job and confirms stakeholders can be used in such studies. Prof. Nderitu also informed members that after todays meeting the report will be presented to wider stakeholders as per the consultancy terms of service.
5. Prof. Nderitu also thanked the officials for attending the meeting and their punctuality, which is lacking in the country in many meetings. He also reiterated that the consultancy was agreed with BAF who indicated that KENAPOFA will supervise the study. He also took opportunity to indicate that he has more than 30 years experience in potato sector and has had many projects, the current being funded by National Council of Science and Technology. He has been funded by Rockefeller foundation on potato research.
6. Prof. Nderitu said that it is important for KENAPOFA to always negotiate for some money to be dedicated to them when they have funds for a study like this as they are key players and users of the information.
7. Dr. Kasina distributed copies of the draft report to members as they had indicated not to have had a printed copy.

**Agenda 2: Oral presentation of the consultancy report**

Prof. Nderitu gave Dr. Kasina the opportunity to make oral presentation of the report. Dr. Kasina took the opportunity and informed members that he was called upon by Prof. Nderitu to work together in achieving the objectives of the study. He explained to the members that they have had a long working relation with Prof. Nderitu and they are involved in many different projects together.

He also made a power point presentation to the members (attached) for their comments. The whole presentation took about 30 minutes.

**Agenda 3: Comments of the report by the KENAPFOA officials**

Members were in consensus that the presentation was good and had all the contents of the report.

Members were given time to also look at the draft report for about 10 minutes. They agreed that the report is conclusive and well done. They particularly commended the table of contents as good enough to represent all issues that may be needed in the report.

Njogu suggested that the report should include the focused group discussion he held at Nairobi Marigiti market with the council market superintendent, traders and vendors. In the meeting, the council confirmed receiving the PS circular on implementation of legal notice no. 113 of 2008. They also agreed to circulate to all notice boards and agreed to implement the regulations. The legal notice documents were also supplied to the traders.

**Agenda 4: Strategy for enforcement of the potato marketing regulations: KENAPFOA officials**

Members suggested that there should be recommendations for creation of KENAPFOA secretariat, which will be key in enforcement of regulations.

Ole Saoli indicated that it is important of the council, judiciary and provincial administration to be pressurized in implementation. He indicated that this has worked in Laikipia district while in Meru politicians have formed cartels to discourage implementation. He indicated that councillors are willing to ensure enforcement but are waiting for mayor to guide them. This supports evidence that Ministry of Local Government need to be in the forefront for implementation purposes.

Maina indicated that in Nyeri, the council has written official letter (January 2010) to all stakeholders on the implementation as a follow up to the PS memo. He noted that this has started working in the area and traders are avoiding extended bags.
Njogu challenged the KENAPOFA officials to work hard in their jurisdiction to ensure compliance.
The meeting also agreed that when the Minister of Agriculture gazettes the inspectors, one of them should be KENAPOFA

Prof. Nderitu informed the members that they should also be aware there are other interest groups/people involved in ensuring implementation of regulations, e.g., former MP of Nyandarua.

Jeptoo noted that in Eldoret there are scheduled meetings by the Ministry of Agriculture this year to discuss issues of implementation of regulation

Another issue raised was lack of potato national policy. Mwamba gave a copy of the draft national potato policy to the members who agreed that the government should ensure finalization of the policy. Njogu indicated that one of the reasons for delay was due to the recommended 110 Kg weight per bag which ILO objected to quoting international labour standards require a maximum of 50 kg per package.

Meeting agreed that part of the information sharing and dissemination suggested should be through KENAPOFA.

**Agenda 5: Preparation for stakeholder meeting**

Prof. Nderitu allowed Njogu to elaborate on the forthcoming stakeholder meeting. Njogu explained that the meeting was part of the consultancy and it will allow the consultant to present findings of the study to the stakeholders.

Prof. Nderitu informed the meeting that in the previous meeting, they had agreed to hold the stakeholder meeting at NARL seminar room on 09 February 2010 from 9.00 to 12.00. Members agreed and endorsed this.

**Identification of stakeholders**
The following were selected:

3. MOA: Minister; PS; Agriculture secretary; Director, Crops; Policy coordinator; Potato desk officer
4. MOLG: Minister; PS; ALGAK chairman; Nairobi Mayor; Nairobi town clerk
5. Ministry of Internal Security: PS
6. GTZ: Gladys Maingi; Francis Muthomi; Craig
7. BAF: Clive
8. CAB: CEO
9. KENFAP: CEO
10. KARI: Director; Center Director, Tigoni
11. CIP: Kaguongo; Dinah
12. Deeper Industries
13. Trader association
14. Media: All

**Agenda of the meeting**
The meeting agreed that Njogu should liaise with Prof. Nderitu to draft the letter of invitation, which should be circulated immediately because of the short time and notice. The meeting developed the programme of events for the stakeholder meeting (attached together with draft invitation letter)

**Agenda 6: AOB**
Members were allowed to make their AOB. Maina said that this was a good meeting and he sees there is goodness from the study and the planned stakeholder meeting will be useful.

Bishop Gitonga commented on the study indicating that this was an important technical output of KENAPOF

Ole Saoli suggested the need to emphasize on KENAPOF participation in the stakeholder meeting and also enforcement. He said this should be well stated in the report.

It was suggested that KENAPOF should ensure board is constituted and this should seek support from other stakeholders.

Having there no other business the meeting was officially closed by Prof. Nderitu at 1315 h. A closing prayer was offered by Bishop Gitonga.

Minutes signed by

Chairman ______________________ Date ______________________

Secretary _______________________ Date ______________________