REPORT OF THE AUDITOR-GENERAL ON KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANIZATION FOR THE YEAR ENDED 30 JUNE, 2023

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements.

B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure Government achieves value for money and that such funds are applied for the intended purpose.

C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment and the internal controls, developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of the Kenya Agricultural and Livestock Research Organization (KALRO) set out on pages 1 to 24, which comprise of the statement of financial position as at 30 June, 2023, and the statement of financial performance, statement of changes in net assets, statement of cash flows and statement of comparison of budget and actual amounts for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, except for the effect of the matters described in the Basis for Qualified Opinion section of my report, the financial statements present fairly, in all material respects, the financial position of Kenya Agricultural and Livestock Research Organization as at 30 June, 2023, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Accrual Basis) and comply with the Kenya Agricultural and Livestock Research Act, 2013 and the Public Finance Management Act, 2012.

Basis for Qualified Opinion

1. Unaccounted for Cash and Cash Equivalents

The statement of financial position reflects cash and cash equivalents balance of Kshs.641,977,000 and as disclosed in Note 22 to the financial statements. However, as previously reported, the cash and cash equivalents balance of Kshs.641,977,000 (2022 - Kshs.1,443,703,000) excludes cash withdrawals totalling Kshs.6,914,345 made in the financial year 2009/2010 in respect of the Sugar Research Institute against which the related supporting documents were not provided for audit. Although Management indicated that the missing documents were a subject of investigation by the Sugar Research Institute and other arms of Government, the amount remains unaccounted for, and the status of investigations was not disclosed.

In the circumstances, the accuracy and completeness of cash and cash equivalents balance of Kshs.641,977,000 could not be confirmed.

2. Long Outstanding Receivables from Exchange Transactions

The statement of financial position reflects receivable from exchange transactions balance of Kshs.250,949,000 as disclosed in Note 23 to the financial statements. This balance includes amounts due from Kenya Seed Company, Bungoma Union, Mugama Co-op Union, unsupported prepayments, rent due and other receivables of Kshs.19,945,000, Kshs.745,531.85 Kshs.1,862,901, Kshs.1,171,000, Kshs.6,283,884 and Kshs.147,095,084 respectively all totalling to Kshs.177,103,580 that have remained outstanding more than two years.

In the circumstances, the accuracy and recoverability of the receivables from exchange transactions totalling Kshs.177,103,580,000 could not be confirmed.

3. Long Outstanding Receivables from Non-Exchange Transactions

The statement of financial position reflects receivables from non-exchange transactions balance of Kshs.699,342,000 which includes commodity levy of Kshs.314,497,000 as disclosed in Note 24 to the financial statements. Included in the commodity levy are balances due from Nyambene Mills (in receivership), Coffee Board of Kenya and Kenya Planters Co-operative Union (KPCU) of Kshs.7,073,687, Kshs.23,445,000 and Kshs.124,496,000 respectively. These balances have been outstanding for more than four (4) years. Although Management has made a full provision of Kshs.124,496,000 in respect of KPCU debt and forwarded a claim to the receiver Manager of Nyambene Mills (in receivership), no progress has been reported towards recovery of this debt and provision made for the other long outstanding debts appears inadequate.

Further, the balance includes outstanding staff advances and outstanding imprests of Kshs.1,499,026.95 and Kshs.76,873,163 out of which balances totalling Kshs.1,499,026 and Kshs.13,695,954 have been outstanding for more than three (3) years and one year respectively.

In the circumstances, the accuracy and recoverability of the receivables from non-exchange transactions balance of Kshs.699,342,000 could not be confirmed.

4. Unresolved Land Matters

The statement of financial position reflects property, plant and equipment balance of Kshs.24,106,637,000 which includes Kshs.18,208,626,000 in respect of land as disclosed in Note 28 to the financial statements. Review of records revealed that Management had not resolved previous years land issues as detailed below:

i. As previously reported, land with a value of Kshs.400,000,000 and measuring 400 acres was allocated to the Kenya Agricultural Research Institute in 2011. However, Management did not provide for audit, ownership documents for the parcel of land.

ii. As previously reported, included in the property, plant and equipment balance of Kshs.24,106,637,000 (2022 - Kshs.24,123,928,000) as at 30 June, 2023 was an amount of Kshs.2,932,785,960 in respect of six (6) parcels of land owned by the former Kenya Agricultural Research Institute which did not have ownership documents.

iii. Further, part of the Organization's land and another parcel measuring approximately 100 hectares were illegally acquired by informal developers in the year 2000. Further, part of this land was used as a dumping site by a County Government and construction of a power station was also taking place on the same land.

iv. In January, 2011, some individuals invaded the Organization's land in Naivasha, claiming ownership. The Organization filed a case in court to have them evicted, and a ruling in favor of the Organization was made on 29 March, 2012, revoking their title. However, the informal settlers had not vacated the land.

v. As reported in the previous years, fifty (56) parcels of land all under the Sugar Research Institute did not have ownership documents.

vi. The property, plant and equipment balance exclude undetermined value of parcels of land measuring 99 hectares and 127 hectares, which the Coffee Research Institute used for farming. The titles to the parcels of land were in the name of the Coffee Board of Kenya (CBK) which has since merged to form the Agricultural Food Authority.

vii. The Agricultural Mechanization Services (AMS) - a department within the Ministry of Agriculture, Livestock, Fisheries and Co-operatives occupied a portion of the Organization's land and had set up its own buildings. The Management clarified that the value of the constructions/improvements by the AMS was not included in the assets balance, and AMS was devolved from the National Government to the County Government. The County Government had however, neither signed any lease agreement nor paid any rent to the Kenya Agricultural and Livestock Research Organization.

viii. The property, plant and equipment balance also exclude the value of twenty (20) acre piece of land developed by the Tea Research Institute with an estimated value of Kshs.8,430,634.

ix. The property, plant and equipment balance include an amount of Kshs.81,650,080, being the value of buildings allocated to the Kenya Plant Health Inspectorate Service in 1998.

x. The property, plant and equipment balance include the value of an office block completed in the year 2012/2013 at a cost of Kshs.663,772,203 for Sugar Research Institute. As previously reported, the valuation report amount was however, Kshs.447,992,751 resulting in an overstatement of Kshs.215,779,452. No explanation was provided on how the value of the new building dropped below the actual construction cost with such a high margin.

xi. As reported in the previous year, the Organization's residential building at Kisii Sub-Centre of Coffee Research Institute was taken over by the Kisii County Government with no compensation to the Organization.

xii. Included in the value of land balance as at 30 June, 2023 was an amount of Kshs.117,000,000 being the cost of land occupied by Coffee Research Institute. Although Management indicated that the title deed was misplaced, evidence of steps taken to replace the title deed was not provided.

xiii. KALRO owns 142.06 hectares which has a title deed but which has been encroached by informal settlers making it impossible for the Organization to utilize the land for the purposes of agricultural research.

xiv. Included in the balance of land of Kshs.18,208,626,000 is a beach plot valued at Kshs.56,734,160. However, the Organization did not have a title deed for the land. The Management explained that the land was illegally subdivided into five plots, but the Commissioner of Lands revoked the allotments. A private developer filed a suit in court to affirm ownership of the beach plots but the matter had not been determined as at 30 June, 2023 and ownership of the plots could not be confirmed.

xv. The balance also excluded the value of a parcel of land on which five (5) buildings are located in Kitale and staff houses belonging to the Non-Ruminant Centre in Kakamega. The houses were constructed on twenty (20) acres of land that were left out during allotment of the land to the Organization.

xvi. Further, included in the balance of land of Kshs.18,208,626,000 are 1418 hectares of land where a National Beef Research Centre is located. Records held at the Organization indicated that in 1984 a farmer surrendered two hundred and thirty (230) acres of his land to the Government, and it was agreed that he would be compensated with an equivalent acreage of vacant land at the Beef Research Institute. The farmer was however allotted two hundred and seventy acres (270), an excess of forty (40) acres. Further, the farmer violated the conditions of the land exchange and occupied the developed part of the land leading to destruction of property belonging to KALRO. The said part of the land had since been subdivided into plots for sale to the public. In addition, records provided indicated that another farmer agreed to surrender three hundred and twenty (320) acres of his land in Nakuru but during exchange and transfer he irregularly acquired an extra one hundred and fifty-two (152) acres of KALRO's land. Additionally, informal settlers have been trying to encroach the land since year 2014. There is a high risk that the Organization may lose the disputed parts of its land.

xvii. The balance of land of Kshs.18,208,626,000 does not include the value of the parcels of land situated in Msabaha in Kilifi, Njoro in Nakuru, five (5) parcels of land in Limuru, Kiambu and a parcel of land in Alupe Sub-Centre, Busia.

xviii. Examination of various documents at Beef Research Institute in Lanet, Nakuru County revealed that informal settlers have been encroaching the land. There is therefore a high risk that the Organization may lose parts this land in Lanet. Further, the County Government of Kisii had taken over part of the Organization land meant for food Crop Research Institute Kisii. The County Government was constructing the Governor's residence in approximately two acres of the grabbed land while a cancer centre was illegally being constructed in another parcel estimated at one acre.

In the circumstances, the ownership, completeness and accuracy of land balance of Kshs.18,208,626,000 could not be confirmed.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Kenya Agricultural and Livestock Research Organization Management in accordance with ISSAI 130 on the Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Other Matter

Unresolved Prior Year Matters

In the audit report of the previous year, several issues were raised under the Report on Financial Statements, Report on Lawfulness and Effectiveness in Use of Public Resources and Report on Effectiveness of Internal Controls, Risk Management and Governance. However, Management has not resolved the issues or given any explanation for the failure to resolve them.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, except for the matters described in the Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources section of my report, I confirm that, nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

1. Lack of Value for Money

As previously reported, property, plant and equipment balance of Kshs.24,106,637,000 includes value of Tea Research and Development Factory in Kericho. The Government spent an amount of Kshs.304,505,436 on the project to completion but the facility is yet to be commissioned and lies idle due to lack of funds to purchase machinery for operationalization of the venture.

In the circumstances, value for money was not obtained from the resources spent in the construction of the factory.

2. Non-Operationalization of Agricultural Research Fund

The statement of financial performance reflects amounts of Kshs.50,000,000, Kshs.1,120,706,000 and Kshs.614,436,000, being Government of Kenya, World Bank and other Donors development funding respectively, for research activities for the year ended 30 June, 2023. However, as previously reported, the Organization had not operationalized the Agricultural Research Fund which should be managed by trustees and support the operations of the organization, contrary to Section 39(1) of the Kenya Agricultural and Livestock Research Act, 2013. The Act provides for the establishment of a fund to be known as the Agricultural Research Fund.

Further, the Organization did not provide for audit, details of research grants obtained during the year under review and their respective agreements, outcomes of concluded research, distribution of the research outcomes and the custody over the research outcomes.

In the circumstances, Management was in breach of the law.

3. Anomalies in Kenya Agricultural and Livestock Research Act, 2013

As previously reported, the Kenya Agricultural and Livestock Research Act, 2013 had set 1 August, 2014 as the commencement date for the operation of the Organization. The Act repealed the Science and Technology Act, 250, Coffee Act (No.9 of 2001), Sugar Act, (2001) and the Tea Act, Cap 343 which had established the Kenya Agricultural Research Institute (KARI), the Coffee Research Foundation (CRF), the Kenya Sugar Research Foundation (KESREF) and the Tea Research Foundation (TRF), respectively. However, other than the Kenya Agricultural Research Institute, which was operating under the Science and Technology Act Cap. 250 of the Laws of Kenya, the other parastatals were operating under the Companies Act, Cap 486 of the Laws of Kenya. According to Section 221(1) of the then Companies Act, Cap. 486, an application to the court for winding up of a Company shall be by petition presented, subject to the provisions of this section, either by the Company, by any creditor or creditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately.

Management, however, did not provide evidence that this provision of the Companies Act, Cap 486 was complied with in the establishment of KALRO. Although Management stated that the entities were not wound up but merged, this explanation seems to be in contradiction with Section 56 of the Kenya Agricultural and Livestock Research Act, 2013 which states that, any reference to the former institution in any written law or in any contract, document or instrument of whatever nature shall, on the commencement of this Act, be read and construed as a reference to the Organization. In the absence of such evidence therefore, the Coffee Research Foundation (CRF), the Tea Research Foundation (TRF) and the Kenya Sugar Research Foundation (KESREF) are still legally in existence.

In the circumstances, Management was in breach of the law.

4. Board not Fully Constituted

The statement of financial performance reflects board expenses amounting to Kshs.3,842,000 and as disclosed in Note 16 to the financial statements. Review of Board payments and related records revealed that the Board had nine (9) members contrary to Section 6 (1) of the Kenya Agricultural and Livestock Research Act, 2013 which provides for twelve (12) members. No explanation was provided for the variance.

In the circumstances, Management was in breach of the law.

5. Non-Maintenance of Staff Houses and Guest Rooms

The property, plant and equipment balance of Kshs.24,106,637,000 includes buildings of Kshs.5,336,831,000. However, physical inspection of the houses and guest rooms in FCRC Embu, HRI Kandara, CRI Ruiru, AMRI Katumani, ICRI Mwea and NRI Kakamega, in the month of February, 2023 revealed that most houses are dilapidated due to poor maintenance. Revenue collected from the buildings is remitted to the headquarter in its entirety leaving no allocation for repair and maintenance of the buildings. The condemned houses occupy vast chunks of the organization's land leading to uneconomical use. This is contrary to Regulation 139 (2) of the Public Finance Management (National Government) Regulations, 2015 which states that the Accounting Officer of a national government entity shall take full responsibility and ensure that proper control systems exist for assets and that the Accounting Officer shall ensure that processes and procedures both electronic and manual are in place for the effective, efficient, economical and transparent use of the government entity's assets.

In the circumstances, Management was in breach of the law.

6. Sale of Assets without Assets Disposal Plan

The Organization disposed various assets valued at Kshs.22,146,000 during the financial year ended 30 June, 2023. However, review of disposal documents provided for audit revealed that the entity did not have annual assets disposal plan contrary to Section 53(4) of the Public Procurement and Asset Disposal Act, 2015. The Act states that all asset disposals shall be planned by the Accounting Officer concerned through annual asset disposal plan in a format set out in the Regulations.

In the circumstances, Management was in breach of the law.

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, except for the matters described in the Basis for Conclusion on Effectiveness of Internal Controls, Risk Management and Governance section of my report, I confirm that, nothing else has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

1. Ageing Workforce and Inadequate Staffing

Review of human resource management records revealed that the Organization has 1,725 out of the authorized staff establishment of 3,612. An analysis of staff ages as at 30 June, 2023 revealed that 58% of the Organization's workforce was aged between fifty-one (51) and sixty-five (65) years. However, detailed succession strategies that the Organization had adopted to ensure retention of key skills in the Organization was not provided for audit.

In the circumstances, the Organization's succession strategies to ensure retention of key skills in the Organization could not be confirmed.

2. Delayed Approval of Procurement Transactions from Centers and Institutes

Review of KALRO Supply chain manual revealed that it does not conform to the Public Procurement and Asset Disposal Regulations, 2020. However, no clear explanations were availed as to why the research Organization has not amended its supply chain manual since the release of the regulations on 22nd April, 2020.

Further, Centers and Institutes experienced delays in approval of their submitted procurement documents to Institutes and Headquarters for up to maximum of 94 days.

In the circumstances, the delays may hamper operations and affect effective delivery of goods and services to the respective departments.

3. Lack of Policy Guidelines on Production and Sales of Seeds

Review of KALRO AMRI, NRI Kakamega, and FCRC Mwea seed units revealed that the centers engage farmers for production of seeds where contracted farmers are issued with seeds during planting seasons and are expected to deliver specific quantities to the entity. However, examination of documents provided for audit revealed the following anomalies:

i. Lack of binding contracts between KALRO AMRI, NRI Kakamega, and FCRC Mwea seed units and contracted farmers, exposing the Institute and centers to potential financial losses and litigation by farmers.

ii. Lack of sales and credit policy for seeds making it difficult to establish whether credit sales are allowed by the institution and how the entity recovers overdue debts.

In the circumstances, the entity may not be getting value for money from the sale of seeds by the contracted farmers.

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether processes and systems of internal controls, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and the Board of Directors

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Accrual Basis) and for maintaining effective internal controls as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal controls, risk management and governance.

In preparing the financial statements, Management is responsible for assessing the Organization’s ability to continue to sustain its services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Organization or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

The Board of Management is responsible for overseeing the Organization's financial reporting process, reviewing the effectiveness of how Management monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and review of compliance, I consider internal controls in order to give an assurance on the effectiveness of internal controls, risk management and overall governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal controls components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal controls may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.
As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal controls.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Organization's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Organization to cease to continue to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Organization to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence and communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.

FCPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

25 March, 2024