‘More punitive penalties should be given to urban farmers’: Laws and politics surrounding urban agriculture in Eldoret, Kenya

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The significance of urban agriculture (UA) to the livelihoods of urban households and potentially to the urban economy and environment is being increasingly recognized. Yet many national governments and urban authorities have continued to view it unfavourably, ignoring it in urban land-use planning and restricting or even criminalizing its practice through prohibitive, punitive policies. This chapter provides an overview of national and Eldoret Municipal Council (EMC) laws and policies related to UA and considers how they have shaped the context in which urban farmers in Eldoret town are striving to make a living. It shows how contradictions and inconsistencies inherent in Kenya’s national legal and policy framework concerning UA, unfavourable official attitudes on the EMC, the power relations and politics underpinning the practice of UA, and the application of existing laws and policies have frustrated the evolution of a more responsive legal and policy framework for urban farming in the town. The chapter ends by reflecting on recent developments towards a more facilitative and supportive policy framework for UA at national level and the implications for the practice not only in Eldoret but also in other urban centres in Kenya.
Introduction

The impact of the neoliberal economic policies of the 1980s and 1990s, notably Structural Adjustment Programmes (SAPs), on the developing economies of Sub-Saharan Africa have been well documented (Rono 2002; Kaseke 1998; Ihonvbere 1996; Kanji 1995; Ndulu & Mwega 1994; Obidegwu 1989). Suffice here to note that, at least in the short term, the policies have exacerbated precarious situations for the populations of the countries affected, with the effects being disproportionately felt in urban areas (Owuor 2006; Meikle 2002; Rakodi 2002; O’Connor 1991). Many livelihood studies have focused on the negative impact of macro-economic policies on people’s livelihood opportunities and the coping strategies they have adopted at the micro level and how these have subsequently shaped the dynamics of macro-economic change (Oberhauser & Hanson 2007). Due to the high percentage of their income that the urban poor spend on food (Steckley & Muleba 2003; Maxwell 1999; Potts 1997; Mlozi 1997; Freeman 1993), ‘issues of income and livelihood are directly linked to food security’ (Maxwell 1999: 1950). For this reason, the increased involvement of many urban households in urban agriculture (UA) has been conceptualized as one of the micro-level livelihood strategies adapted by urban households to cope with dwindling incomes and rising food costs occasioned by macro-economic change (Foeken & Owuor 2008; Simatele & Binns 2008; Foeken 2006; Page 2002; Flynn 2001; Obusu-Mensah 1999; Maxwell et al. 1998; Dennery 1996; Mudimu 1996; Drakakis-Smith et al. 1995; Mbiba 1995).

It has increasingly been recognized in livelihood studies that the extent to which different individuals at the household level as well as at the community level are able to access and deploy assets in pursuit of livelihood strategies is differentially shaped by the context in which they live, while at the same time this context is shaped by people’s livelihood strategies (Oberhauser et al. 2004; Meikle 2002). Contexts are a complex interplay of policies, institutions and processes that govern people’s everyday lives and shape their vulnerability and livelihood opportunities and options. As Rakodi (2002: 16) pointed out, ‘[t]he policies, organizations, institutions and processes that are relevant to livelihood strategies operate at all levels, from the household to the international arena’. They also operate ‘across the public and private (commercial and civil) sectors’ (Meikle 2002: 37). Emphasizing the importance of policy and institutional arrangements and their cross-scale (macro-micro) linkages in shaping people’s livelihoods is a defining feature of recent studies and development work using the Sustainable Livelihood Approach (Bingen 2000).

This chapter highlights different policies and legislation at macro (national) and micro (municipal) levels and its interaction, and assesses how they have responded to and shaped the development of UA as a livelihood strategy for