

Securing land access for smallholders



How a community-led process is strengthening
leasing rights in western Kenya

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Introduction

Most rural households in Kakamega County, western Kenya depend on agriculture for their livelihoods. However, growing demand for food and housing driven by rapid population growth has put great pressure on land. The average land holding per family is approximately 0.6 ha. Even where land is available, access is unequally distributed between family members due to customary inheritance laws that favour male heads of household. Consequently, women and youth are disadvantaged and their ability to invest in soil protection compromised, leading to a low adoption rate of sustainable land management (SLM) practices.

Shibuye Community Health Workers (CHW), TMG Research and other stakeholders developed community-based solutions to the problem of insecure land access and low adoption of SLM in Kakamega County.

“Some landowners were strict with the types of [soil management] practices that we would apply on their land. (...) Some would not allow us to establish cut-off drains, terraces, or grass strips. Today, the LLGs are so clear that once there is an agreement about the dos and don'ts, one can confidently implement all the practices that have been agreed in the form.”

Woman farmer in pilot ward

Land leasing in Kakamega County

Leasing is a common practice among households with limited or no access to farming land in Kakamega County. It serves as a fallback option for **close to 40 %** of households, who depend on leased land to meet household food and income needs. However, land leasing is often based on informal arrangements without either witnesses or the involvement of local authorities because no specific law governs the leasing of land by smallholder farmers. **Existing legal provisions for leasing land are unclear.** As a result, leasing is often insecure and may lead to conflicts.

Between 2017 and 2018, they facilitated the development of community-led land lease guidelines (LLGs) with the communities of Isukha Central and Isukha West wards in Shinyalu sub-county. These LLGs offer clear and mutually agreed terms and conditions for leasing land with the involvement of the local administration. Once the land lease agreement form has been completed and signed by both tenant and landowner in front of witnesses, and endorsed by the local administrator, it becomes and remains a binding document between the two parties.

The success of the pilot phase resulted in extension of the land tenure forms to a total of ten wards in Kakamega county and sensitization in pilot wards in neighbouring Siaya and Bungoma counties. Consultations with the county administration are ongoing to ensure that the LLGs are adopted at the county level.

Guidelines built from the ground up

Process of developing community-led land lease guidelines (LLGs)



Figure 1: Process of developing the LLGs

The process of developing the LLGs was kick-started in the Isukha West and Isukha Central wards of Kakamega County. It began with workshops to create awareness, encourage buy-in by local stakeholders, and ensure that the guidelines would not contravene any land regulations. Institutions involved in the process included the local administration, the county ministries of agriculture and lands, and the Land Control Board.

The next stage targeted community members and sought not only to validate the idea of LLGs, but also to clarify roles and responsibilities of community members in the development process. Diverse representation – comprising men, women, youth, and single-headed households – was key in building broad community ownership of the process and its outcomes.

In a follow-up step, community committees were formed to draft the LLGs, ensuring that these would serve the interests both of landowners and tenants. The terms and conditions of the LLGs were informed by previous experiences and challenges in relation to land leasing.

A consolidated draft of the LLGs was then shared with the institutional stakeholders for their review and approval. The aim was to secure the backing of these institutions, some of which would be involved in implementing the LLGs. Following validation, the LLGs were launched at large community meetings and promoted through awareness-raising campaigns. About 380 people were directly involved in developing the first guidelines initiated in the two communities.

More information on how to develop context-specific land lease guidelines can be found in this Facilitators' Guide:
<https://bit.ly/3na7Rfr>



TAKE AWAYS: awareness raising

- **LEARN:** Interact with landowners and tenants, especially local leaders, women, and youth, to understand context- and group-specific barriers to accessing farmland
- **CONNECT:** Work with local institutional stakeholders, including traditional leaders, to change perceptions and assuage concerns about land leasing through regular information campaigns and knowledge exchange sessions
- **ENABLE:** Train farmer and community-based organisations on the use and dissemination of the land lease guidelines

Benefits & challenges

Once the land lease guidelines had been developed and launched in the two pilot wards in 2017, they were extended to eight more wards in Kakamega county.

In 2021, independent consultants conducted a rapid assessment in six out of ten wards in which the LLG were introduced. A rapid assessment involving 78 land tenants, 17 focus group discussions with landowners and tenants, and 10 key informant interviews with (assistant) chiefs and extension officers, provided a snapshot of the initial impact of the LLGs.

Reasons for leasing land Rural households lease land either because their own holdings are insufficient to meet their food needs, or because they do not own any land at all. The latter is particularly the case among women farmers. Around two third of the landless farmers included in the study sample were women. Among young farmers, the primary reason for making use of LLGs was to gain entry to farming. This reflects the precarious situation of youth who rarely have control over family land until the head of family dies.

Land conflicts The LLGs have contributed to transparency in land leasing and to social cohesion within communities, thereby reducing land-related conflicts. The land lease agreement is signed by both the landowner and the lessee binds the two parties, making it easier to manage any conflicts that may arise. It was confirmed in 15 out of 17 focus group discussions that conflicts have become less frequent since the LLGs were adopted.

Land tenure security The study also shows that, overall, land tenure security increased with the adoption of the LLGs. Especially for youth, the LLGs have provided an opportunity to collectively access land. The land lease agreement specifies the terms of the lease; as a result, farmers feel more secure in leasehold transactions.

“It is a good option because the time duration is adhered to, and your land can't be misused. Only the things written in the agreement will be planted or done on your farm.”

landowner in pilot ward

Sustainable soil management LLGs can have positive effects on soil management. The number of interviewed people applying SLM practices such as cover crops, contour farming, mulching, and crop rotation more than doubled under LLG. Only the application of agroforestry measures remains at zero among land tenants. Despite the formalization of leasing through the LLG, landowners fear long-term ownership claim of the land by tenant farmers and therefore, do not allow farmers to grow trees on leased land.

Food production The adoption of the LLGs has impacted cropping patterns and food availability. Focus group discussions showed that vegetable production, which is popular among women tenants, increased steadily following the adoption of the LLGs (see Figure 2).

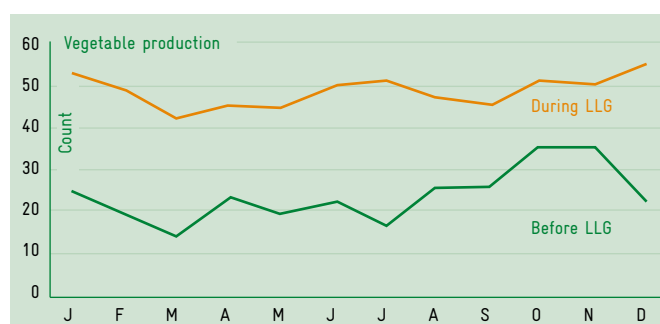


Figure 2: Vegetable production before and after adoption of the LLGs

Challenges for implementation Some critical challenges remain in the application of the LLGs. In some wards, awareness about LLGs remains relatively low, especially among new agricultural extension officers. Some farmers are hesitant to use the lease agreement forms because they fear that signing a contract means selling their land. Interviews with farmers further revealed that the land lease agreements can be misused by local administrators to raise fees – even though the lease agreements are free of charge.

TAKE AWAYS: implementation

► **LEARN:** Promote information exchange and collaboration between farmers, civil society organisations, the government and agri-businesses by sharing data about the use and effects of LLGs

► **CONNECT:** Sensitize agricultural extension officers and the local administration, who are important agents in advising farmers, on the correct use and dissemination of the LLGs

► **ENABLE:** Explore opportunities for the LLGs to support women and youth in accessing economic opportunities, including agricultural inputs and credit

Upscaling the adoption of land lease guidelines

The land lease guidelines have gained considerable traction since their launch in 2017. Agricultural policy-makers and practitioners recognise their value in incentivising better land management and improving income and food security for smallholder farmers.

The governor of Kakamega County, H.E. Hon. Dr. FCPA Wycliffe A. Oparanya, endorsed the LLGs during the first-ever **Governor's Day with Farmers** held on 22 February 2022. Welcoming the community-led guidelines as an important step forward, Governor Oparanya emphasized the need to adopt the LLGs at county level so that they can be made available to all farmers. Immediately following this event, consultations took place with officials from the county ministries of agriculture and lands, which will lead to an updated version of the guidelines that will be disseminated throughout Kakamega County.

In addition to the political level, the guidelines have been disseminated to a total of eleven wards in Kakamega County through training of community-based organisations and sensitization of local administrations. Shibuye CHW has also begun disseminating the LLGs in neighbouring Siaya and Bungoma counties. Encounters with different socio-cultural contexts in other geographical locations introduced valuable insights into the upscaling process. For example, in Siaya, where polygamy and the control of land by large clan groups are common, it is important to involve all wives as well as the clan head in the leasing process. Besides spreading the guidelines to other localities, they are also promoted among youth groups as incentives for agribusiness.



“Secure access to land is fundamental for a flourishing agricultural sector that benefits everyone. (...) We are committed to supporting the promotion of these [land lease] guidelines that will especially benefit women and youth in accessing land.”

Governor Dr. Wycliffe A. Oparanya at the Governor's Day with Farmers

TAKE AWAYS: upscaling the LLGs

- **LEARN:** Engage with community members, local administrators, and local leaders to learn how to adjust the guidelines to different socio-cultural contexts
- **CONNECT:** Collaborate across wards and counties with the decentralized structures of the ministries of agriculture and lands, and other actors, to ensure harmonized messaging about LLGs
- **ENABLE:** Support local stakeholders, especially community-based and farmers' organisations, as well as (assistant) chiefs with financial and technical resources to upscale the adoption of LLGs



About the initiative

The land lease guidelines were developed in the context of a research project within the global programme on "Soil rehabilitation and protection for food security", whose aim is to address structural barriers to sustainable soil management such as land tenure insecurity. In Kenya, this programme is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in the counties of Kakamega, Bungoma and Siaya. TMG Research and Shibuye CHW have jointly implemented this research project in western Kenya.

For more information about Shibuye Community Health Workers please visit:
<https://www.facebook.com/shibuyechw>

For more information about TMG Research gGmbH please visit:
www.tmg-thinktank.com & www.soilmates.org



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The land lease guidelines are endorsed by





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