

Transition is Inevitable,
Justice is Not: Pathways
Towards Advancing a
Just Transition in Kenya's
Smallholder Agriculture
Sector

KEY POINTS

- Smallholder agriculture in Kenya remains susceptible to climate risks, which heightens vulnerability of farmers, farmworkers and those depending on the agriculture value chain to deeper poverty.
- A just transition pathway unbundles the rights of farmers, farmworkers, and communities; and clarifies obligations of the state. The justice requirement is imperative in ensuring that while transitions maybe inevitable, fairness, equity, and inclusiveness are not sacrificed as an inconvenience.
- Secure land rights for farmers at every scale (large, medium or smallholder), and enforcing constitutional protections for land rights is indispensable.
- Expanding the scope of people involved in smallholder farming is important, including through opening up of suitable public land for access through lease for agriculture. Suitable land could be identified after an inventory of public land held by ministries and state corporations.
- Adjudication and demarcation of community land rights processes should include appraisal of suitability for agricultural land use in order to aid communities with appropriate land use planning.
- Prior to adjudication of community land, the national and county governments should determine how to undertake inter-county physical and land use planning in order to, on a macro-scale, identify the community socio-economic and ecological assets needed for pastoralism, and protect these as public assets.
- Availing of financing to progressively implement climate smart agriculture interventions in Kenya that will enhance the role of ecosystem services and sustainable soil management in climate smart agriculture.
- Ensuring that participatory and inclusive processes needed to implement the just transition are an irreducible minimum to achieving sustainable smallholder agriculture.
- Taking policy steps to ensure that labour in smallholder agriculture sector meets the standards of decent work.
- Provision of income protection to protect the needs of farmers, farmworkers and others working in the agricultural value chain. Activation of provisions of the Employment Act to establish an unemployment insurance scheme that extends to those in the agriculture sector.
- Incentives to enhance uptake of climate-smart agriculture actions by smallholder farmers to reduce exposure to climate hazards and risks.

BACKGROUND

This Policy Brief is an outcome of a research project whose results have been published through a Discussion Paper, which explored the imperative of facilitating just transitions within Kenya's small-holder agricultural sector, particularly in the face of escalating climate change impacts.

Agriculture is important to individuals and communities globally, including its role in fulfilling fundamental human rights. Agriculture is critical to realizing the right to be free from hunger, and to have adequate food of acceptable quality, guaranteed under the Constitution of Kenya. This right is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights.¹ The right is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies.² Indeed, in Kenya, agriculture has been identified as the backbone of the economy, with a great potential for growth and transformation, contributing about 33% of total Gross Domestic Product (GDP).³ The sector contributes an additional 27% to GDP through linkages to other sectors such as manufacturing, distribution and services.⁴ It is estimated that ~62% of Kenya's total employable population of ~28 million earn some income from agriculture, including farmers and other off-farm employment related to agriculture. Further, the 2019-2029 Agriculture Sector Transformation and Growth Strategy (ASTGS) estimates that that of the employable population half of them (~9 million) are farmers, both those formally employed (~340,000) and those in informal employment (~8.3 million).⁵ Importantly, Kenya's agriculture is dominantly undertaken by smallholder farmers which accounts for 75% of the total agricultural output, producing over 70% of the maize, and nearly 100% of other food crops.⁶

Small family farms in developing nations have the potential to improve food security and reduce poverty through

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sustainable intensification. This provides a foundation for studying sustainability in smallholder systems and in this case Kenya as a developing nation.

Sustainable agriculture is described as farming practices that encourage long-term food and livestock production while minimizing negative environmental impact.

Working Definition of a Just Transition in smallholder agriculture

A transition that protects the welfare of smallholder farmers, sustainability in the land use, while prioritizing the climate resilience goals of Kenya's agriculture sector, in a low carbon context.⁷ Various agrarian-focused reforms, in land, land use, labour and welfare may be required and are canvassed here.

Impacts of Climate Change on Agriculture in Kenya

The 2023-2027 NCCAP has noted high dependence on rainfed agriculture, and insufficient irrigation system as a key vulnerability, with 98% of agriculture being rainfed.⁸ This overreliance on rainfed agriculture is also framed as a barrier to fulfilment of the targets of the Third Medium

1 CESCR General Comment No. 12: The Right to Adequate Food (Art. 11). 12 May 1999 (Contained in Document E/C.12/1999/5), para 4.

2 Ibid.

3 Kenya, Agricultural Sector Growth and Transformation Strategy 2019-2029 (Ministry of Agriculture), p. 19.

4 Ibid.

5 Kenya, Agricultural Sector Growth and Transformation Strategy 2019-2029 (Ministry of Agriculture), p. 25-26.

6 Kenya, Agriculture Sector Development Strategy 2010-2020 (Ministry of Agriculture, 2010), 29.

7 Robert Kibugi, Vivienne Kigundu and Robert Muthami (2024) Transition is inevitable, justice is not: Framing Options for Advancing a Just Transition Pathways towards Sustainable Smallholder Agriculture in Kenya (A Discussion Paper), Friedrich Ebert Stiftung, p.2.

8 Government of Kenya (2023). *National Climate Change Action Plan (Kenya) 2023-2027*. Ministry of Environment, Climate Change and Forestry, Nairobi, Kenya, p.15.

Term (MTP) for Implementation of Kenya Vision 2030.⁹ The 2014-2018 drought translated into the 2019–2023 drought.¹⁰ The latter was reported as the most severe and longest in 40 years, claiming the lives of people and livestock, while threatening the livelihoods of millions of Kenyans.¹¹

Agriculture contributes 33% to the GDP of Kenya and employs a significant proportion of the population. The vulnerability of agriculture to climate change lowers productivity and ensuing scarcity may increase food prices thereby putting fulfilment of the human right to adequate food and sustainable food production as envisaged in SDG 2.4 at risk. It is important for Kenya to (a) ensure that at all times the priority is to enhance resilience of agriculture (which is dominantly smallholder) by reducing vulnerabilities to climate risks, and further, implementing interventions to enhance adaptive capacity; and (b) screening mitigation actions to prevent them from contributing to Kenya's goal of reducing Greenhouse Gas (GHG) emissions without cushioning the populations and economy from climate risks. This, together with clarity on climate finance options for the interventions, are important considerations in framing a just transition pathway towards a sustainable agriculture sector for the country.

Unbundling the Concept of a Just Transition to Climate Change and its Utility to Smallholder Agriculture

The Just Transition for Kenya should focus on three aspects: (i) the process, which should integrate a justice requirement by paying heed to human rights; (ii) the outcome, which is core requirement of the just transition to create decent work; and (iii) the context, that affirms the critical imperative of climate transitions under the Paris Agreement which is to prioritize nationally defined development priorities and circumstances. Justice, and paying attention to nationally defined development priorities and circumstances are central considerations. As smallholder agriculture is exceptionally impacted by climate hazards, protection of the environment and ecosystem

services are important appendages of a just transition policy approach for smallholder agriculture.

Evaluating Policy Options for a Just Transition Pathway to Sustainable Smallholder Agriculture in Kenya

Several policy options for promoting a just transition pathway to sustainable smallholder agriculture are proposed below:

1. Secure land rights for farmers at every scale (large, medium or smallholder), and enforcing constitutional protections for land rights is indispensable.
2. Expanding the scope of people involved in smallholder farming is important, including through opening up of suitable public land for access through lease for agriculture. Suitable land could be identified after an inventory of public land held by ministries and state corporations.
3. Adjudication and demarcation of community land rights processes should include appraisal of suitability for agricultural land use in order to aid communities with appropriate land use planning. Prior to adjudication of community land, the national and county governments should determine how to undertake inter-county physical and land use planning in order to, on a macro-scale, identify the community socio-economic and ecological assets needed for pastoralism, and protect these as public assets.
4. Investments in market value chains and infrastructure to enhance livelihoods and enhance farmers opportunities to adopt climate smart agriculture practices and technologies. Incentives can be provided to smallholder farmers to adopt the priority smallholder farmer value chains identified by the National Agriculture Investment Plan.
5. Availing of financing to progressively implement climate smart agriculture interventions in Kenya that will enhance the role of ecosystem services and sustainable soil management in climate smart agriculture.

9 Kenya, Fourth Medium Term Plan 2023-2027, The National Treasury and Economic Planning, 2024, p. 94.

10 Government of Kenya (2023). *National Climate Change Action Plan (Kenya) 2023-2027*. Ministry of Environment, Climate Change and Forestry, Nairobi, Kenya, p.19-20.

11 National Treasury and Economic Planning. (2023, 15th June). Budget Statement FY 2023/24, p. 27–28. <https://www.treasury.go.ke/wp-content/uploads/2023/06/Budget-Statement-for-the-FY-2023-24.pdf>

6. Ensuring that participatory and inclusive processes needed to implement the just transition are an irreducible minimum to achieving sustainable smallholder agriculture.
7. Taking policy steps to ensure that labour in smallholder agriculture sector meets the standards of decent work. This includes setting an adequate minimum wage, with regular review and enforcement of compliance.
8. Provision of income protection to protect the needs of farmers, farmworkers and others working in the agricultural value chain through options such as index-based insurance, and income replacement, for instance through activation of provisions of the Employment Act to establish an unemployment insurance scheme that extends to those in the agriculture sector.
9. Scaling up implementation and uptake of climate-smart agriculture interventions, and minimizing exposure of smallholder agriculture to climate hazards.

CONCLUSION:

Smallholder agriculture remains the most dominant category of agriculture in Kenya, and is highly susceptible to climate risks. This heightens vulnerability of farmers, farmworkers and those depending on the agriculture value chain to deeper poverty.

A just transition pathway unbundles the rights of farmers, farmworkers, and communities; and clarifies obligations of the state. The justice requirement is imperative in ensuring that while transitions may be inevitable, fairness, equity, and inclusiveness are not sacrificed as an inconvenience.

It is clear that options are available to trigger a just transition towards sustainable smallholder agriculture in Kenya. This is important because it supports an important portion of the GDP and enhancing smallholder farmer incomes is an important cog of Kenya's agriculture transformation strategy. However, further research is required on climate financing options for these interventions, in line with the Paris Agreement opportunities and other national, bilateral public or private opportunities.



Note: For a more comprehensive engagement with the discussion, please review the complete Discussion Paper: Robert Kibugi, Vivienne Kigundu and Robert Muthami (2024) Transition is inevitable, justice is not: Framing Options for Advancing a Just Transition Pathways towards Sustainable Smallholder Agriculture in Kenya (A Discussion Paper), Friedrich Ebert Stiftung

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