

**A thesis submitted to the Department of Environmental Sciences and Policy of
Central European University in part fulfilment of the
Degree of Master of Science**

**Securing Land for Sustainable Livelihoods:
Perspectives on Land Reform & Contract Farming in Kenya**

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A handwritten signature in black ink, appearing to read 'Sara Velander', with a stylized, cursive script.

Sara VELANDER

ABSTRACT OF THESIS submitted by:

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Land is a crucial means for sustainable livelihoods and a source of contestation in Kenya's population who are dependent on the rich, diminishing supply of natural resources. Consequently, a series of interventions were devised and proposed to address land conflict and facilitate the equitable access and productive use of land for rural livelihoods. Two such interventions, namely land reform and contract farming, are heavily disputed among scholars for their threats of exploiting rural dwellers and mechanisms for poverty alleviation and land tenure security. In this study, land reform and contract farming implemented in Kenya are examined according to their implications on the sustainability of rural livelihoods and the roles of actors influencing outcomes, with the overall aim to determine their feasibility in meeting the needs small-scale producers. Through the application of a hybrid conceptual framework integrating sustainable livelihoods, political ecology, and access on diverse perspectives collected from a literature review and semi-structured interviews with researchers and practitioners, a set of findings emerged determining internal and external mechanisms constraining access to and use of land among rural livelihoods. These mechanisms and outcomes include: profit-oriented motives across micro and macro levels of actors prompting environmental damage and land commodification; absent decentralized support increasing vulnerability to crises; exclusion of impoverished communities; opaque centralized decision-making processes; and appropriation of land functions by domestic private and public actors. This thesis concludes with a set of insights for future planning of approaches to sustainable livelihoods in Kenya that addresses uneven power structures.

Keywords: Kenya, land governance, contract farming, sustainability, rural livelihoods, political ecology

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1 Introduction

1.1 Problem Definition & Significance

Land, as a commodity and critical asset, has been heavily contested across generations in developing countries where the mainstay of the economy is the rich, yet diminishing, supply of natural resources (Tarisayi 2014). The implications of the land debate are most visible at the local level, where land signifies an essential source of livelihoods, defined as “the capabilities and material and social assets necessary for a means of living” (Chambers and Conway 1991) and ultimately a pathway out of poverty. Scarcity, degradation, and dispossession of land fuelled by unequal and profit-driven governmental policies, climate change, large-scale land acquisitions, and population growth, cumulatively cause irreversible damage on rural livelihoods and their surrounding environment (Egoh *et al.* 2012; Hall *et al.* 2017; Mutoko *et al.* 2014). However, often representing the economic and cultural backbone of resource-reliant nations, these marginalized, rural communities, composed of smallholder farmers, pastoralists and other direct resource users, can be crucial agents of sustainable development if provided equitable access to land and the appropriate tools to sustainably manage natural resources and thwart key threats (Tarisayi 2014). An array of sustainable livelihoods will, thus, be attained, making rural groups capable of “coping with and recovery from external stresses so as to maintain or enhance existing capabilities” (Agrawal and Perrin 2008).

Kenya is one of the several sub-Saharan African countries characterized by land conflict in a population where 65% reside in rural areas (Boone *et al.* 2016), dependent on agricultural livelihoods yet overpowered by private and public actors holding ultimate discretion in land use distribution and management (Boone 2012; Boye and Kaarhus 2011; O’Brien 2011; IISD 2019). Along with a majority of abundant, fertile land located in communal territories, where property rights are often informally defined or declared invalid by colonial era authorities, this region is particularly susceptible to threats on access to and use of land (Locher 2016; Von Braun & Meinzen-Dick 2009). The scramble for land among different actors that pervades this region’s history, combined with naturally occurring shocks increasing in severity and frequency, contributes to embedded power imbalances and fragmentation of the social fabric in rural communities (von Braun & Meinzen-Dick 2009; UNDP 2017).

Some of the major risks for rural livelihoods associated with historical injustices from public and private landgrabs, the onset of climate change impacts, rapid population growth and unsustainable development, are entrenching poverty in many developing regions (IISD 2017). Land tenure security is recognized as one of the preconditions for sustainable development, and is even listed as an indicator under Sustainable Development Goal 1 to “end poverty in all its forms everywhere” and target 4 which “ensures that all men and women have equal rights to economic resources...” (ECOSOC 2019). However, this indicator is still in “Tier 2” in the indicator development process, meaning there is minimal data generated on land tenure security for the majority of developing countries (UNSD, 2018). NGOs and research institutions emphasize the need for more data collection and research on land rights issues, particularly in impoverished regions like sub-Saharan Africa suffering from extensive conflict and socio-political instability rooted in power struggles over land. Furthermore, with only 10% of lands in Africa as privately registered, the remaining 90% are lands governed through community ownership that are often not strong enough to resist external or internal interests for land privatization (Wily 2018).

Land tenure security is directly influenced by land reform, a public institutional tool commonly defined as a policy change in the allocation and ownership of statutory land rights from large private landowners to small-scale and ‘landless’ farmers and rural groups (Tarisayi 2014). While the intentions of land reform are fairly positive for rural livelihoods, there have been weaknesses of recent land policies by state institutions noted by scholars as well as the latest IPCC report (2019):

“Land grabs are often driven by direct collaboration of politicians, government officials and land agencies involving corruption of governmental land agencies, failures to register community land claims and illegal lands uses, and lack of the rule of law and enforcement in resource extraction frontiers.” (Hurlbert *et al.* 2019)

The demonstrated failure of public land policies, such as those in Kenya, in combatting and mitigating pressing risks at the local level is rooted in the acquisitive behaviour characterized by corrupt and land-hungry authorities and local elite, developing land reform in their favour (Klopp and Lumumba 2014; Boone 2012; Boone *et al.* 2018).

The access to and use of land among small-scale farmers is similarly influenced by contract farming, a private institutional tool recently recognized as a potentially viable and inclusive

alternative to large-scale land acquisitions, one of the key threats for rural livelihoods (von Braun & Meinzen-Dick 2009; Hall et al. 2017). Contract farming is a form of agricultural production determined by stipulations in an investment agreement developed and agreed upon directly between a farmer and buyer (Minot and Sawyer 2016). Contract farming business models are largely revered by institutional economists for allowing the continued ownership of land by smallholders as well as their integration in the export market (Freguin-Gresh *et al.* 2012; Smalley 2013). Meanwhile, other scholars in agrarian studies contend that contract farming is simply “another means for global agribusiness to exploit peasants and labour” (Oya 2012; Smalley 2013).

Both land reform and contract farming (also known as out-grower schemes), have been implemented in Kenya, as well as other countries in sub-Saharan Africa, with the common aim of securing access to and use of land among rural livelihoods (Boone 2012; Klopp and Lumumba 2014; Oya 2012). Even if developed separately throughout their history in Kenya, land reform and contract farming converge at the local level where small-scale producers are situated and seek opportunities to enhance their livelihoods. As demonstrated, several views across disciplines dispute the intentions of these tools, claiming that land reform and contract farming are drivers of land dispossession and accompanied threats as much as sustainable mechanisms for poverty alleviation and land tenure security (IISD 2017). The ongoing discourse surrounding these tools of land governance and management motivates the need for future empirical research to verify these claims at the local level, especially through the perspectives of small-scale producers that may experience constraints or benefits on their rural livelihoods from these interventions. Essentially, this study will be looking at how land reform and contract farming cumulatively affects small-scale producers’ relationship with the land and ability to attain sustainable livelihoods.

1.2 Objectives

The main objective of the MSc thesis is to examine the implications of contract farming projects and land reform on the sustainability of rural livelihoods in Kenya that ultimately inform the feasibility of state and private interventions in meeting the needs of direct resource users at the local level, pertaining to the dependence of their livelihoods on accessing and using natural resources. By assessing the nature and extent of impacts of these approaches to sustainable livelihoods, following an initial diagnosis of cross-scalar threats, and finally

identifying the influences of different actors on outcomes, priority areas in land reform and contract farming within Kenya's unique and diverse context will be identified for the consideration of governments and private institutions alike.

Furthermore, the maximization of social, economic, and environmental benefits for rural livelihoods from land reform, contract farming, and other relevant approaches employed by non-governmental entities, will help mitigate the documented risks posed for rural livelihoods. The results of the thesis will ultimately aim to be complementary or preparatory for land-related sustainable development work in Kenya by research institutions, NGOs, think tanks, and development agencies promoting rights-based solutions to prominent land issues.

1.3 Research Questions

The main objective will be achieved through a three-tiered process of analysis, examining particularized aspects of land reform and contract farming in Kenya and their impacts at the local level where rural livelihoods are most frequently situated and affected by external stressors. The research questions depicted and described below, operationalize this process:

- 1. How has the devolved land governance system and accompanied land reforms in Kenya – predominantly implemented in the last decade – affected the sustainability of rural livelihoods?**

A thorough examination of empirical research from secondary literature and interviewed experts and practitioners, provides perspectives on how Kenya's land reform has so far affected rural populations' access to and use of land. The most prominent policies and laws emerging from this land reform, including the 2009 National Land Policy, 2010 Constitutional Referendum, and 2016 Community Land Act, will be pursued in this thesis, along with impacts of devolution of the land governance system towards the county level.

- 2. How has the adoption of contract farming business models altered the sustainability of rural livelihoods in Kenya?**

Researchers and practitioners will identify a set of case studies of out-grower schemes from Kenya that will be used to assess the localized impacts of the implementation of contract farming on small-scale producers engaged with the schemes. Key aspects will be deepening the understanding of how schemes affect the out-growers' access to and management of land,

the nature of their relationship with partnering investors, and the extent of benefits and costs for out-growers at the individual and community level.

3. What are the roles and extent of state, non-governmental and private actors in shaping sustainable outcomes for rural communities through land reform and contract farming?

The outcomes of land reform and contract farming is often dependent on the actions of stakeholders and crucial actors driving, influencing, and impeding the success of these public-private approaches to securing sustainable livelihoods. By collecting and assessing various perspectives among experts, practitioners, and scholars on the definitions for successful approaches and the level of influence among key actors, crucial insights will be gained regarding the sustainable potential of these approaches hinged on the type of actors engaged with developing, implementing and monitoring the approaches.

It is necessary to investigate these two approaches separately in order to avoid ambiguity in theorizing about their interconnectedness which is absent in past and current academic research. This aspect of analysis would require additional time and resources to research. Additionally, the scope of impacts will be primarily focusing on the social and governance related aspects of the sustainability paradigm, while biophysical impacts and outcomes are only loosely investigated in the data analysis.

1.4 Outline

With the first chapter of this thesis introducing and defining the problem and aims of research, the second chapter provides a socio-economic-ecological context for past and current trends among scholars on the key concepts, including threats to land access and use among rural livelihoods, land reform and contract farming. In the third chapter, a three-pronged conceptual framework of sustainable livelihoods, access, and political ecology, will be described in relation to themes from the prior literature review. The fourth chapter explains the methods of data collection and analysis, their rationale for the particular topic of land reform and contract farming, and the main limitations of the selected research approach. Following the methodology, the thesis continues with the presentation and discussion of findings according to the three main research questions: 1) implications of land reform; 2) case studies of contract farming; and 3) the role of actors and success of outcomes in approaches for sustainable

livelihoods. Finally, conclusions will be drawn in chapter eight including a brief summary of the most significant findings on land reform and contract farming in Kenya and a set of priority areas for stakeholders to address when planning approaches to sustainable livelihoods through these or other approaches.

2 Literature Review

The multidisciplinary nature of the discourse on land has resulted in a broad, diverse range of literature embedded primarily in disciplines of social sciences (economics, political sciences and human geography), natural sciences (earth science), and humanities (law). In this abridged review of the vast literature existing on this topic, I will present the key trends and perspectives on concepts of land reform and contract farming at a global scale and situated in the Kenyan context, in light of the threats to livelihoods that these approaches aim to combat or influence. The environmental and social aspects of the concepts will be emphasized from previous studies and scholarly views for identifying inter-linkages with sustainability. Following an extensive summary on international guidelines for responsible investment and management in land at the end of the literature review, crucial knowledge gaps and concept interactions will be identified, informing the uniqueness, significance and applicability of this topic. Essentially, this chapter helps guide the thesis research in a manner that will not only contribute knowledge to academic fields of land governance and agrarian studies, but, moreover, benefits rural livelihoods and ecosystems in a developing country recognized for its rich supply of natural resources which a global food market heavily depends on.

2.1 Historical Context of Kenya's Land Issues

Land issues in Kenya ensue as a result of a comprehensive land governance system which has developed rapidly over the past two centuries, influenced by different political economic structures reflecting a broad spectrum of motives and interests in land. According to Boye and Kaarhus (2011), Kazungu and Wambayi (2019), and Di Matteo (2017), Kenya's formal statutory land governance system was established in the early 20th century when Kenya was a British colony and declared all unoccupied land, formerly communally owned and governed by customary law, as part of the Crown, later categorized as trust lands. Rural Kenyans at the time were subjugated to discriminatory land laws that solely granted registered land titles to European settlers in high-potential arable regions for cash crops. Meanwhile, indigenous Kenyans whose land was seized were granted rights of occupancy and use on designated parcels of trust land known as African Native Reserves (Boye & Kaarhus 2011; Kazungu and Wambayi 2019; Kanyinga 2009). The pre-colonial customary tenure system continued to manage the land on these unregistered reserves (Kazungu and Wambayi 2019; Di Matteo 2017). Throughout the colonial period, European settlers established large plantations and

commercial estates, employing African labour for low wages, as well as turning community rangelands, forests and wetlands into wildlife and forest reserves (Boone, 2012; Wily 2018).

Conflicts over land scarcity resulted in socio-political instability contributing to independence in the early 1960s. The new, independent government introduced land reforms in the form of Trust Land Acts, which eroded customary land tenure and replaced it with a British-based freehold tenure system, recentralizing control over land (Boone, 2012; Wily 2018; Klopp and Lumumba 2014). All unregistered communal lands were conferred upon county governments, consisting mostly of the country's politically connected and wealthy elite, while registered community lands became group ranches under the Group Representatives Act in 1968 (Kazungu and Wambayi 2019; Di Matteo 2017). Within group ranches, community members were able to elect land custodians representative of the individual community, which overlapped with customary authority causing widespread confusion over land ownership and control (Kazungu and Wambayi 2019). Concurrently, in their role as trustees of unregistered communal lands, county governments leased the land to politicians and private companies, thus, contributing to the individualization of customary land tenure (Di Matteo 2017; Kanyinga 2009).

The post-independence land reforms were also accompanied with smallholder settlement schemes and the formation of private land-buying companies aimed to commercialize agriculture in Kenya and “satisfy land hunger among labourers on white settler farms” (Boone, 2012; Kanyinga 2009). These state-run initiatives and policies, meant to increase dependence of resource-users on the elite, resulted in mass evictions and forced relocation of unregistered rural communities throughout the ‘70s and ‘80s (Boone 2012, 2019). The “underutilized land” and large European farms were transferred to the ruling elite representing Kikuyu and Luo ethnic groups, “condemning rural producers to seek their livelihoods through labour migration” (Wily 2018; Hakizimana *et al.* 2017; Boone 2012). These ethnic groups were claimed to be “the main beneficiaries because many had stayed on the settlers’ farmers for decades,” granting them exclusive land powers in Kenya’s post-colonial governments (Kanyinga 2009). Other major implications of settlement schemes included the mass deforestation and biodiversity loss of the Mau Forest Complex, the fragmentation of inter-ethnic political relationships following the placement of “socio-political boundaries,” and continued land hunger among rural producers, particularly those of the marginalized Kalenjin and Maasai who were displaced from their ancestral lands in Kenya’s Rift Valley (Di Matteo 2017; Kanyinga 2009; Boone 2012).

The conditions for Kenya's rural poor was only exacerbated by droughts in the early '90s that, combined with unequal settlement schemes and political favouritism of the Kikuyu ethnic group, sparked electoral violence among Kalenjin farmers and the state, killing and displacing thousands of rural families (Boone, 2012, 2018; Kanyinga 2009). Moreover, in the 2000s there was a rising presence of land-hungry investors that encouraged the national government in escalating land registration for agribusiness purposes, provoking additional conflict over land scarcity for rural communities (Boone 2019).

It wasn't until another violent land-related episode following a flawed vote count in Kenya's 2007 election and demands for legal recognition of community land rights from pastoralist groups, that motivated the state to restructure the land governance system in favour of the marginalized, rural communities dispossessed of their land (Boone *et al.* 2018; Boone 2019; Di Matteo 2017). The community-based arguments for redressing historical injustices over land by colonial and post-colonial regimes were supported by reports from the government-appointed commissions of Njonjo and Ndung'u investigating the root causes of post-election conflicts in the 1990s and 2000s and "the level of wrongdoing in the land sector" (Di Matteo 2017; Wily 2018). Ultimately, these reports revealed that 200,000 illegal land titles were created from the 1960s onwards, and allocated to politicians, bureaucrats, military officers and other Kikuyu elite, demonstrating a steep decline in land tenure security for marginalized ethnic groups across Kenya (Boone *et al.* 2016; Klopp and Lumumba 2014; Haugerud 1989).

2.2 Threats to Land Access and Use among Rural Livelihoods

Built on an extensive history of land conflict and accompanied social marginalization, Kenya today faces several pressing threats to access and use of land among rural livelihoods in Kenya, which impede meaningful and equitable sustainable development in the country and region. In Kenya, rural livelihoods typically encompass smallholder farmers, pastoralists and other poor agricultural producers residing on the margins of society, constituting 65% of the population (Oya 2012; Boone *et al.* 2016). With an agriculture sector that contributes 33% to Kenya's GDP and 60% of all exports, ample land availability and fertility is pivotal for the country to function and enhance its food security and rural employment (IISD 2019; Ochieng *et al.* 2016). But land as a critical asset and foundation for the livelihoods of multiple actors locally and nationally culminates in a rush for land followed by conflict and socio-political instability, as dictated by Kenya's recent history (Braun & Meinzen-Dick 2009; Boone 2012; Tarisayi 2014).

There is general consensus among scholars that this land rush, compounded by other threats, has prompted devastating socio-environmental impacts and “exacerbated uneven development” and poverty (Boone 2019). Discussed below are the main, interrelated threats that exert severe pressure on rural Kenyans’ access to and use of land for the production and sale of crops necessary for their survival (Tarisayi 2014).

Large-Scale Agriculture & Land Acquisitions

While large-scale land acquisitions (LSLAs) within agriculture and other sectors have been prevalent in developing countries since the colonial era, the aftermath of the food crisis in 2007/08 witnessed a proliferation of “irregular and illegal allocation of [unused] public land” by state and private investors seeking to increase food and energy security, wildlife and nature conservation, commercialization of agriculture, and foreign exchange and job creation (von Braun and Meinzen-Dick 2009; Hall *et al.* 2017; Klopp and Lumumba 2014; Oya 2012). Developing countries, particularly in sub-Saharan Africa, are the typical targets for LSLAs because of their low production costs, abundance of natural resources, corrupt governments “with little ability to regulate the transaction,” and weakened traditional institutions by colonial and post-colonial powers (von Braun and Meinzen-Dick 2009; Borras Jr. *et al.* 2011). Majority of literature on LSLAs has concentrated on private agribusiness and foreign state agencies as the main culprits of landgrabs (Oya 2012). Recently, however, research has shown that LSLAs have been mostly driven by national elites and domestic companies in sub-Saharan Africa (Klopp and Lumumba 2014; Oya 2012).

Large-scale agriculture and acquisitions are the threats most responsible for the accumulation, scarcity and expropriation of land and ultimate dispossession of local smallholder farmers, closely linked to the centralization of power and control over land and agricultural production (Hall *et al.* 2017; Di Matteo 2017). In Kenya, this has largely occurred in the Tana river delta and Turkana and Siaya counties, rich in minerals and arable soils (Klopp and Lumumba 2014). Land in these areas is being converted to profitable crops such as palm oil, cocoa, and coffee meant for export, at the expense of communities dependent on the unregistered land and receiving inadequate or no compensation (Egoh *et al.* 2012). Rural communities are therefore left landless and forced to migrate to other rural or urban areas in the search for farm and off-farm income, driving the poverty cycle and rise in land-related violence (O’Brien 2011).

Governmental Policies & Schemes

The previously discussed LSLAs are rooted in the cumulative political and capital power of the state government, local elites and transnational investment companies, whose profit-making motives frequently trumped state responsibilities of sustainable development and poverty eradication, and rather allocated land to the top 1% (Boone *et al.* 2018). This makes the national government a potential threat, through the adoption of a variety of socially- and environmentally-exploitative mechanisms used to limit or bar the access and use of land by rural groups, involving trade and investment policies, economic liberalization, development plans, environmental and agricultural laws, and land tenure institutions (Boone 2019; Hakizimana *et al.* 2017; Mutoko *et al.* 2014; Klopp and Lumumba 2014).

In Kenya, the rise in land grabs by the public sector is associated with the introduction of a national development plan in 2008 known as ‘Vision 2030’ which aims to “transform Kenya into a newly industrializing, globally competitive and middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment” (Leshore 2019). Some of the land-intensive projects occupying communal lands include the Lamu Port South Sudan Transport (LAPSSET) Corridor and Standard Gauge Railway and Lake Turkana Wind Power Project (Kazungu and Wambayi 2019). Another factor in the constrained access and use of land is economic liberalization in the form of structural adjustment programs, which has since the 1980s and ‘90s fragmented rural labor and social relations by removing subsidies for inputs, tying women to farm labor and allowing men to pursue off-farm opportunities (Hakizimana *et al.* 2017; Egoh *et al.* 2012). Finally, Kenyan institutions for land governance have additionally concentrated land ownership and access within the Ministry of Lands and other politically connected actors, which will be discussed further in the following section of the literature review (Klopp and Lumumba 2014).

Additional Threats: Climate Change, Urbanization & Population Growth

Another threats that has been prominently studied by scholars is climate change which will bring “more heat waves, longer droughts, and failed rainy seasons” to sub-Saharan Africa (Leshore 2019). Across Africa, climate change will have profound negative consequences on agricultural production, supply of natural resources, human and ecosystem health, and coastal infrastructure (Egoh *et al.* 2012). Kenya, which is largely dependent on rain-fed agriculture, will suffer long-term economic, social and environmental impacts with a resulting decline in tea and maize revenues, threatening national food security and limiting livelihood options for

smallholder farmers who are most vulnerable to climate change impacts (Ochieng *et al.* 2016). The lack of appropriate access to natural resources by the state and large-scale privatization of communal lands will only exacerbate these impacts at the local level (Ochieng *et al.* 2016; O'Brien 2011).

Moreover, demographic change resulting in urbanization and population growth will increase cases of human encroachment, conflict over resources, and loss of natural ecosystems (Egoh *et al.* 2012). Egoh *et al.* (2012) has documented rapid urbanization of Africa, forecasting a doubling of the population in 30 years. With a higher population density, it is also theorized that there will be a rise of private investments in land, increasing the potential of landgrabs in marginalized areas (Mutoko *et al.* 2014). In Kenya, the population is increasing 3% per year, with scholars noting an expansion of permanent, agriculturally-based settlements and a rapid destruction of forests in the Mau complex (O'Brien 2011; Hall *et al.* 2017; Di Matteo 2017).

Impacts in Kenya

The threats discussed in this section have resulted in Kenya emerging as an unequal and violent countries in Africa, suffering from a rapid decline in land availability with a simultaneous rise in land prices, widespread forest destruction, frequent inter-ethnic and state-community conflicts over access to land, and large-scale land dispossession among the country's poorest (Boone *et al.* 2018; Kazungu and Wambayi 2019; Hakizimana *et al.* 2017; Hall *et al.* 2017; Mutoko *et al.* 2014; Boone *et al.* 2016; O'Brien 2011). The inequality in land access and usage is illustrated in the minor fraction of the population – specifically politicians, businessmen, and large-scale farmers – that own almost 20% of arable land in Kenya (O'Brien 2011). Meanwhile, around 90% of Kenyans have access to no more than three hectares of land and 30% of the population are landless, struggling to find a secure living arrangement on ancestral lands and often resorting to crime (O'Brien 2011). The widening income and equality gap by land conflict has additionally caused “social differentiation in class, gender and kinship relations” and exclusion of minority groups concentrated at the local level within communities (Hall *et al.* 2017). Environmental impacts from threats, particularly short-term land deals for large-scale agriculture, have also been documented in studies providing substantive evidence of degradation and loss of biodiversity, carbon stocks, land, and water resources (von Braun & Meinzen-Dick 2009; Egoh *et al.* 2012). At a rate of 30-40%, land degradation is most concentrated in Kenya's Arid and Semi-Arid Lands (ASALs), threatening pastoralist

livelihoods (Mganga *et al.* 2015). Figure 1 displays the predominant distribution of land degradation in northern and western Kenya.

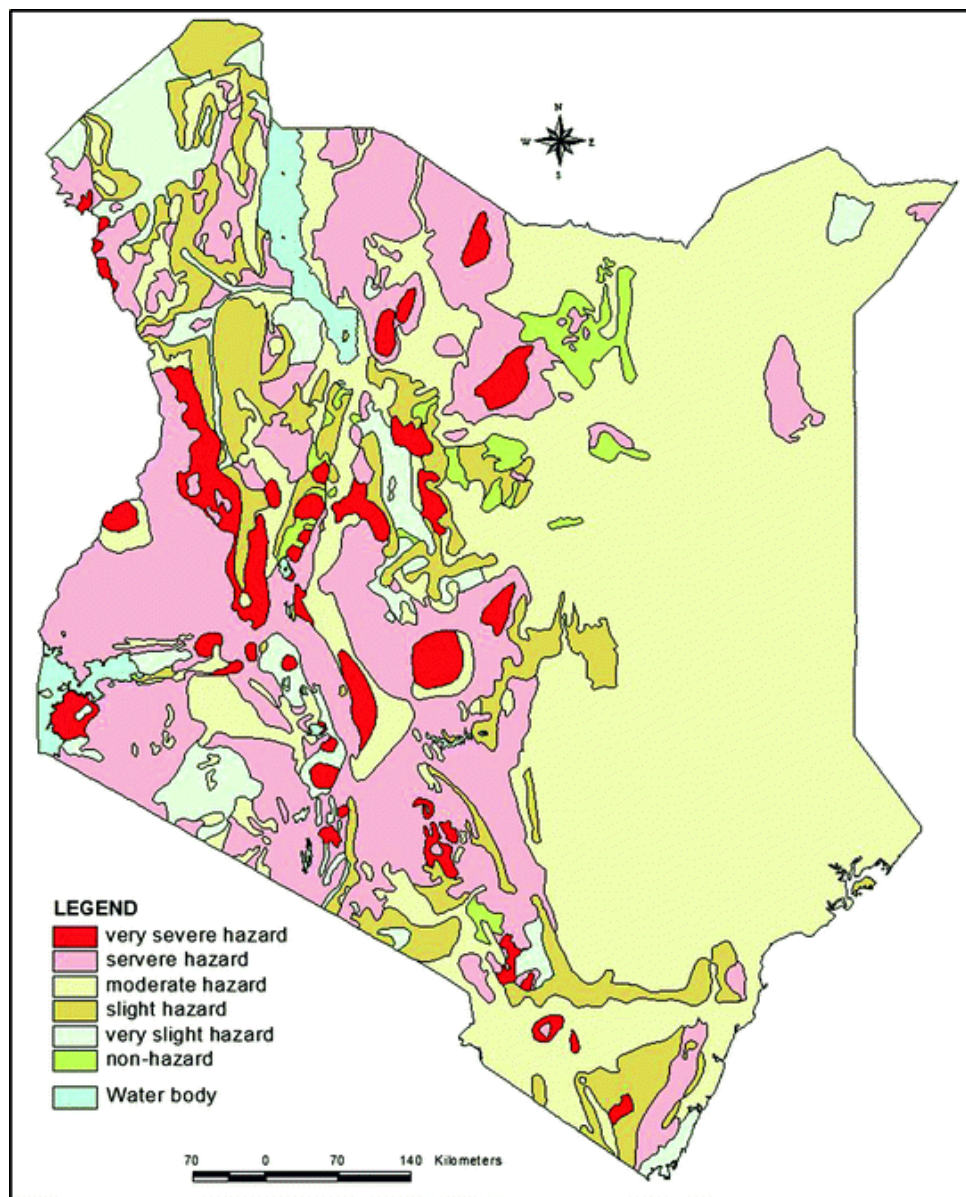


Figure 1: Areas in Kenya with land degradation. (Source: Mulinge *et al.* 2016)

2.3 Land Reform: The Institutionalized Pathway

The vast array of threats at the locus of scholarly discourse motivate affected countries to develop and implement measures that manage natural resources sustainably and allow equitable distribution (Egoh *et al.* 2012). However, throughout recent history the tools intended to maximize benefits to livelihoods often do the very opposite. This is the case for Kenya where colonial and post-colonial land tenure policies and regulations exacerbated social, economic

and environmental conditions for rural communities (Klopp and Lumumba 2014). In this section, views among scholars on the Kenya's latest land reform will be defined, compared, and analysed, providing key insights on its cross-scalar implications.

Definition and Motives of Land Formalization

The effectiveness of a system governing individuals' and communities' right to access and use land has been heavily debated in literature where different actors shape their views on policies according to particular interests (Lumumba 2020). However, before one makes an assessment of a land governance system it is essential to define land law reform and the broad spectrum of motives of national governments, communities, and other stakeholders for restructuring a governance system of natural resources. According to Tarisayi (2014), land reform is unanimously defined as a "public policy that transfers property rights over large private landholdings to small farmers and landless farm workers" where there is a marked shift in power relationships, incentives, and accountability between land institutions (Boone *et al.* 2016; Kanyinga 2009). This will either involve a redistribution of land ownership and control among stakeholders and sectors, measures in securing pre-existing land rights, mass returns of land to dispossessed individuals, or compensation of new, comparable land to former landowners (Tarisayi 2014; Boone 2019). Most of the reforms in land law promulgated across the African continent emerged after resounding calls by the public of the unequal distribution of land by colonial and post-colonial powers, compounded with the effects of climate change, rising resource scarcity, societal conflict, failure of structural adjustment programs, growing inequality and marginalisation of ethnic groups (Tarisayi 2014; Boone 2019; Klopp and Lumumba 2014; Kanyinga 2009).

Common motives for redistributing land rights is to promote economic growth, reduce poverty reduction, safeguard rural livelihoods from "the threat of predatory states and markets," empower marginalized communities with legal tools, and more recently, prevent loss of biodiversity and degradation of natural resources (Lumumba 2020; Boone 2019; Egoh *et al.* 2012). However, Boone (2019) Kanyinga (2009), Sjaastad and Cousins (2008), among other scholars, assert the potential of formalization of land rights in causing continued "dispossession and disempowerment, heightening of societal tension, exacerbation of vulnerability," and opportunistic behaviour dependent on the socio-political context and influence of global, national, and subnational actors. If the motive is purely economic aiming to address the

unproductivity of land and low inflows of investment, then community welfare along with customary conditions governing the collective sharing of resources will be neglected or destroyed (Boone 2019; Sjaastad and Cousins 2008). In fact, most of the land in sub-Saharan Africa – 60% in Kenya – is governed by customary law, defined as the “rules and regulations that a community historically or presently uses to guide its decision-making” (Wily 2018). Customary land tenure is often viewed as insecure by political and private actors, thus prompting state-led commodification and privatisation of communal lands without any recognition of the legal validity and cultural heritage of community-based rights to non-agrarian lands such as forests, rangelands and swamps (Wily 2018; Di Matteo 2017).

Hall *et al.* (2017) and O’Brien (2011) among several other scholars agree that the Kenyan government has developed centralized land reforms for the expropriation of public land that is unregistered yet inhabited by marginalized communities. This land that is supposed to be held in trust for the public interest has, rather, been privatised and indiscriminately allocated to privileged and politically connected Kikuyu elite, who are the historical and current beneficiaries of large-scale land accumulation and close partnerships with foreign investors (O’Brien 2011). Studies of land reforms by corrupt and elitist state governments therefore support the argument among several researchers that land formalisation may exacerbate poverty and inequality, rather than combat it. The only way to counter this situation is if land reform is accompanied with additional measures for significant redistribution of land rights and access to land markets to marginalized minority groups, including women, landless migrants, indigenous peoples and orphans, who are often most vulnerable to manipulation by the state and elite (Sjaastad and Cousins 2008).

A New Age of Devolution in Land Administration

The first of a series of redistributive land law reforms that the Kenyan state instituted in the last decade was the National Land Policy (NLP) in 2009 to “redress historical land grievances, ameliorate inequities, and safeguard minority rights” in order to improve Kenyan livelihoods and halt landgrabs, but also to “revitalize agriculture” as argued by Boone (2012), Boone *et al.* (2019), Boone *et al.* (2016) and Lumumba (2019). Only a year later a new constitution was approved and implemented through a national referendum which included a chapter containing progressive land provisions and principles, such as, the need for equitable land access,

sustainable land management, transparent land institutions, environmental protection, gender equality, among others (Republic of Kenya 2010). The constitution, principally, introduced devolution in the restructured land governance system, culminating in the formation of 47 new county governments and County Land Management Boards (CLMBs) (IISD 2019; Boone 2012, 2018). Powers of the Ministry of Lands were devolved to Kenyan county governments contributing to a major shift in land administration and management to the local level, enabling county authorities to not only orchestrate alternative dispute resolution over land claims, but also negotiate with investors directly. The crucial aim for devolution was to empower communities to govern rural development and promote local interests in an inclusive and participatory decision-making process (Kazungu and Wambayi 2019; Boone *et al.* 2016).

For the NLP and constitutional land provisions to fully operationalise, a legislative program was developed consisting of five key land laws: The Environment and Land Act (2011), the National Land Commission Act (2012), the Land Act (2012), the Land Registration Act (2012), and the Community Land Act (2016) (Lumumba 2020). One of the major culminations of these land laws was the formation of a non-partisan regulatory agency named the National Land Commission (NLC), which would absorb key land powers of the old, “corrupt” Ministry of Lands, perform public oversight and prevent the elite from manipulating land laws (Boone *et al.* 2018; Klopp and Lumumba 2014). The NLC was charged with transparently controlling the land registries, managing public land through county governments, investigating and recovering illegally acquired lands, applying mechanisms for dispute resolution of land conflicts, recommending and advising the government on land policies, and monitoring land use planning (Boone *et al.* 2018; Boone *et al.* 2016; Klopp and Lumumba 2014).

The Community Land Act was perceived as one of the most progressive laws for rural communities by “enabling marginalized groups to legally claim, own, and manage the land they depend on for their livelihoods and identity” as well as formally recognizing customary land tenure, placing community land on an equal playing field to other land categories (Republic of Kenya 2016; Kazungu and Wambayi 2019; Wily 2018). As stated by Wily (2018), the law “promises land security for 6 to 10 million Kenyans” from pastoral and other marginalized communities who are obliged to use and manage natural resources “sustainably and productively” and to allow women to make land claims independently from men (Republic of Kenya 2016). The new community land governance system does not only involve the registration of unregistered land, but also whole communities characterised by their unique

ethnicity and culture. The Act prescribes all community members the ability to control the administration and management of land, necessitating full inclusion on decisions of leasing land to individuals or companies according to an agreed contract (Kazungu and Wambayi 2019; Di Matteo 2017).

While the new land reforms and constitutional provisions were broadly revered by the international community as an appropriate response to the recent land conflicts, resulting in a rise of “take-backs of ill-gotten public land” by several county governments, several scholars and research institutions challenge these views (Boone *et al.* 2016). Evidence in recent studies support observations of prevailing power imbalances across local and national levels and overlapping claims by government authorities slowing the implementation process, which reflects minimal effects at the local level with majority of the land remaining unregistered and highly tenure insecure (IISD 2017; Boone 2012; Lumumba 2020; Wily 2018). Studies by Boone (2012, 2019) on devolution and land reform discovered discrimination by locals against outsiders, particularly refugees, legitimisation of gender, religious, and ethnic inequalities embedded in customary tenure systems, and the loss of access to state support for burdensome land allocation processes at the county level, where local governments often lack the financial capacity for administration and implementation of the land law provisions. Consequently, registration of community land may take years or decades because of the resource-intensive mapping and surveying of extensive communal lands in counties characterised by poor local infrastructure, shortage of technical officers, and nomadic agropastoral groups (Kazungu and Wambayi 2019; Wily 2018).

Scholars such as Boone (2018), Wily (2018), Lumumba (2020), and Di Matteo (2017) have declared devolution a failure, after substantive studies demonstrated that most significant land functions were retained by the national government and the few administrative land powers devolved to counties were often appropriated by local elite who, partnering with investors, reassign community lands as public lands. This has resulted in widespread confusion and uproar in civil society surrounding the ambiguous land laws, designating overlapping powers to the NLC, Ministry of Lands, and county executives (Boone *et al.* 2018). The risks for rural livelihoods are further aggravated through the government’s latest Land Value Index law and Land Law Amendment Act that justifies the acquisition of community land without fair compensation, “curtailed the powers of the NLC”, removed CLMBs, and recentralized control over land management and administration (Lumumba 2020; Boone *et al.* 2018).

After considerable pressure by civil society groups and international land rights advocates the Kenyan government will conduct a 10-year review of the monumental National Land Policy in 2020 (Lumumba 2020). Key weaknesses of the land governance system are expected to be recognized and addressed including: 1) insufficient compensation to displaced rural groups; 2) challenges of corruption, cost and time in the executive branch; 3) weak effective usage of the legal framework; 4) budget and capacity constraints in local institutions; 5) lack of coordination between stakeholders and public participation; and 6) overlap of administrative functions over land (IISD 2019; Lumumba 2020; Boone *et al.* 2018). The active discourse on Kenya's latest land reform demonstrate the discord between global and state proponents, who perceive it as a mechanism for land tenure security, and a collective of researchers and land rights advocates who see it as another "means by which power and privilege are retained and expanded in the political system" (Boone 2012, 2018). The chief result is continued exploitation of rural areas by public and private actors shaping "neoliberal and market-oriented" land law reforms (Boone *et al.* 2016). The contradiction in perspectives opens a space for my research exploring how the impacts are perceived by researchers and practitioners currently – if they have worsened or improved – and how the motives have evolved or remained stagnant among actors.

2.4 Contract Farming: The Contested and Revered Alternative

As another institutional arrangement complementing land reform, which can potentially establish an appropriate environment for investments in agricultural production (Freguin-Gresh *et al.* 2012; Singh 2017), contract farming has been proposed by research institutions and international development agencies to combat threats on rural livelihoods' access to and use of land by offering an inclusive "alternative business model to large-scale farmland investments" (Cotula and Leonard 2010; FAO and IISD 2018; Hall *et al.* 2017). Proponents claim that this public-private tool leverages smallholders in the negotiation process, allowing local actors to set the terms on land management, ownership, and agricultural production in cooperation with investors, ultimately enabling commercialization of agriculture without land dispossession for rural communities (Oya 2012; von Braun & Meinzen-Dick, 2009; Hall *et al.* 2017). However, studies since the advent of these schemes in sub-Saharan Africa have demonstrated sizeable flaws in several contract farming projects that critics describe as "a disguised form of land grabs" (ActionAid 2015). In this section, the various definitions and motives of contract farming will be explored and analysed through the case studies and diverse views of secondary

literature, offering key insights on its potential as a successful or failed institutional tool for sustaining rural livelihoods in Kenya.

Characteristics and Objectives of Contract Farming

Contract farming, also known as out-grower schemes, is a form of agricultural production that is determined by stipulations in an investment agreement on crop production and marketing developed and agreed upon directly between a farmer and buyer (Minot and Sawyer, 2016; FAO and IISD 2018). Typically, contract farming agreements involve domestic or foreign private actors, such as processing firms, exporters or supermarket chains, supplying supplemental economic benefits for the farmer, including, technical assistance, seeds, fertilizers, inputs, and credit, which is subtracted from the total cost of profits from farm products (von Braun and Meinzen-Dick 2009; Wainaina *et al.* 2014; Minot and Ronchi 2014). The quantity and type of services offered by investors and effects on farmer livelihoods depend on whether the contract clearly specifies the terms of market sales with a predetermined price, delivery date, the provision of agricultural inputs, and desired planting methods (Minot and Sawyer 2016; Mwambi *et al.* 2016). Ultimately, the farmer is obliged under the contract to produce a certain quantity and quality of products, while the investor is obliged to buy it, encompassing a partnership that, depending on its nature, will “determine the efficacy of a contract scheme” (ActionAid 2015; Mwambi *et al.* 2016).

Contract farming is a component of the ongoing transformation and commercialisation of subsistence systems of agriculture, spearheaded by the World Economic Forum’s New Vision for Agriculture that fundamentally promotes public-private partnerships (FAO and IISD 2018; ActionAid 2015; Minot and Ronchi 2014). Governments play a key role in fostering favourable conditions for investments in contract farming arrangements, encompassing development of appropriate infrastructure, market regulation, provision of agricultural subsidies, and formation of arenas for collective action (Ochieng 2009). In developing countries, out-grower schemes target smallholder farmers, defined as producers relying on family labour for farming, who use their land to cultivate high-value cash crops, such as, cocoa, cotton, tobacco, sugarcane, coffee and tea as well as dairy, poultry, rubber, and oil palm (Hall *et al.* 2017; ActionAid 2015; Minot and Ronchi 2014; Cotula and Leonard 2010). Five contract farming business models have been identified: 1) the *centralized* model (figure 1) where a large processor attains products from a substantial quantity of smallholder farmers; 2) the *nucleus* model where the processor owns

additional production facilities similar to a plantation; 3) the *informal* model, in which, oral agreements replace written contracts; 4) the *multipartite* model (figure 2) that involves a collaboration between agribusiness, NGOs, international development agencies, and/or the state; and 5) the *intermediary* model (figure 3) where third-party organizations are the middlemen supplying inputs, extensions services, out-grower payments, and transport for distribution (Mwambi *et al.* 2016; Wainaina *et al.* 2014; Minot and Ronchi 2014).

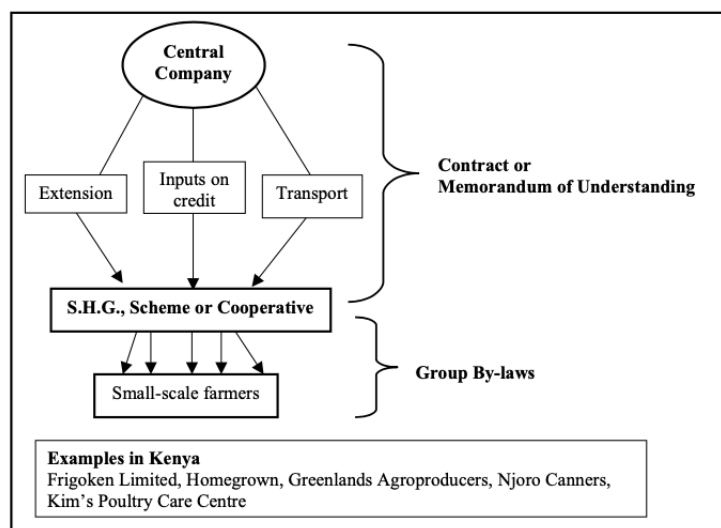


Figure 2: Centralized model of contract farming (Source: Strohm and Hoeffler 2006).

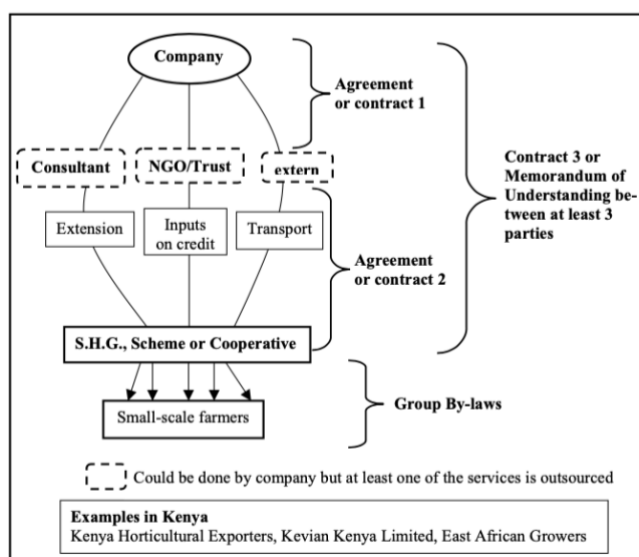


Figure 3: Multipartite model of contract farming (Source: Strohm and Hoeffler 2006).

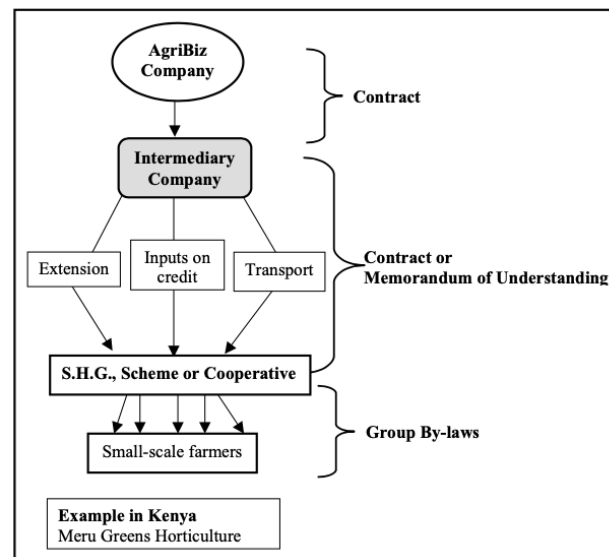


Figure 4: Intermediary model of contract farming (Source: Strohm and Hoeffler 2006).

Contract farming primarily aims to integrate smallholder farmers into global markets, hence, improving their incomes and alleviating poverty through an inclusive scheme where farmers can participate in decision-making, as claimed by several economic researchers and

international development practitioners (Hall *et al.* 2017; ActionAid 2015; Mwambi *et al.* 2016; Minot and Ronchi 2014; Cotula and Leonard 2010). A major objective for farmers to join contract farming projects is risk reduction to external stressors, such as impacts from climate change and market failure, as well as increasing access to limited resources for agricultural production, including new skills, information, technologies, and inputs (Ochieng *et al.* 2016; Wainaina *et al.* 2014; Freguin-Gresh *et al.* 2012; ActionAid 2015). For buyers, contract farming is meant to ensure and control compliance to international or national certification standards for agricultural products, which is a driving factor in today's global food markets (Strohm and Hoeffler 2006). Other buyer-specific aims for contract farming are the reduction in supply costs, better monitoring of production activities and an improved public image by avoiding direct land acquisitions (Burnod *et al.* 2012; Strohm and Hoeffler 2006).

Strengths and Weaknesses for Rural Producers

Statistics and research on international trends in agriculture demonstrate a rise in contract farming practices in 110 developing countries, as more public and private actors promote the proclaimed social and economic benefits of the new approach to agricultural investments (Minot and Sawyer 2016; Oya 2012). The advantages for investors of lower labour costs, a consistent supply of agricultural products, and indirect access to land, combined with the farmer's advantage of a shift in market risk to companies as well as increased access to technology, inputs and credit for contract and food crops, supports IFPRI's statement on contract farming generating a "win-win scenario for both local communities and foreign investors" (Minot & Sawyer 2016; von Braun and Meinzen-Dick 2009; FAO and IISD 2018; Minot and Ronchi 2014; Cotula and Leonard 2010; Burnod *et al.* 2012). The foremost benefit of contract farming projects is the sharing of production and marketing risks between the company and producers which "facilitates mutual dependence" and avoids adverse effects from price fluctuations (Cotula and Leonard 2010; Mwambi *et al.* 2016).

Regardless of studies in developing countries observing income growth and agricultural productivity for smallholders engaged in contract farming projects, several critics deem contract farming as another way for transnational, agribusiness companies to disadvantage smallholders, expropriate public lands, damage the environment and assert control and power in impoverished regions (Minot and Ronchi 2014; Minot and Sawyer 2016; Oya 2012; Mwambi *et al.* 2016; Freguin-Gresh *et al.* 2012; Ochieng 2009). Experts from IISD (2019)

claim that the most successful contract farming business models are those who have been able to maintain and allow the farmer to continue farming activities in-situ. However, literature indicates that this is only feasible for larger landholders and excludes many smallholders, particularly women (FAO and IISD 2018). Men who want to engage in out-grower schemes may also forcibly acquire land customarily used by women for food crops, culminating not only in intra-household tensions but, moreover, food insecurity if there is a concentration of cash crops (ActionAid 2015; Burnod *et al.* 2012; Waswa *et al.* 2012; Kirsten and Sartorius 2002).

Findings from research by Minot and Sawyer (2016), Hall *et al.* (2015), and ActionAid (2015) stress the particularized nature of contract farming schemes to be more suitable for large-scale processors who typically prefer to engage with a small number of middle- or large-scale farmers that don't necessitate provision of inputs, credit and extension services, unlike a large quantity of smallholders. Research on out-grower schemes has shown that only an estimated 2-10% of smallholder farmers have successfully integrated into value chains (ActionAid 2015). This will only drive a deeper wedge in the pre-existing income inequality within impoverished, rural regions, where conflicts may arise over the power imbalance and inequitable income growth among small-, medium-, and large-scale farmers (Minot & Sawyer, 2016). Studies on contested contract farming schemes have informed negative perceptions on this approach to rural livelihoods that claim these schemes as driving land accumulation for investors, environmental pollution and social differentiation without visible dispossession (Hall *et al.* 2015; ActionAid 2015; Ochieng 2009). Hall *et al.* (2015) describes contract farming as “adverse incorporation...in which people may be incorporated into corporate agribusiness and global value chains while simultaneously being excluded from processes of capital accumulation,” as is the case for smallholder farmers pushed out of the market.

When firms are willing to work with smallholder farmers, power imbalances prevail due to an unfair distribution of risks, and a greater financial burden on producers who are required to use costly inputs while providing cheap labour, leading to substantial debts, obscure partnerships and high dependence on investors (Minot and Ronchi 2014; FAO and IISD 2018; ActionAid 2015; Burnod *et al.* 2012; Kirsten and Sartorius 2002). By making vulnerable farmers more dependent on private actors, the government is, in fact, “neglecting their duty to support farmers with the provision of public goods” and allowing manipulation of smallholder farmers (ActionAid 2015; Minot and Ronchi 2014). ActionAid (2015) has also witnessed a lack of prior

consultation with local producers on the potential socio-environmental impacts of out-grower schemes on rural households' access to and use of land, which is relevant for cases where investors restrict alternative uses of smallholders' land and introduce monocropping, deforestation and polluting processing facilities (Ochieng 2009; Kirsten and Sartorius 2002). Furthermore, threats on farmer livelihoods are exacerbated when improved public relations for not displacing farmers is one of the main motives among agribusiness companies for adopting contract farming practices, along with leverage over dispersed smallholders that often lack collective action power to assert rights, as identified by Oya (2012) and ActionAid (2015). These negative outcomes from contract farming, particularly landlessness and loss of control over land use, are most apparent in the nucleus business model that is comparable to large estate plantations (Smalley 2013; Kirsten and Sartorius 2002; Lewontin 1998).

These motives make contract farming more of a 'win-fail scenario,' with smallholders remaining on the losing side of land deals and more vulnerable to rural inequality and poverty (Wainaina *et al.* 2014). In sum, these farmers become "mere operatives in a determined chain whose product is alienated from the producer" (Lewontin 1998). In response, some farmers respond to this negative outcome by "side-selling" agricultural products to other buyers, hence, breaching the contract with the investor and contributing to its failure (FAO and IISD 2018). On the other hand, buyers may also breach the contract "due to unequal market power" (Wainaina *et al.* 2014). Nevertheless, conflicts along with environmental degradation will likely ensue if neither party commit to an equitable contract clearly delineating quality standards, predetermined prices, and sustainable agricultural practices (Minot and Ronchi 2014; Ochieng 2009).

Out-grower Schemes in Kenya

There has been a documented failure of several contract farming projects across developing countries as an indirect result of these conflicts (Minot & Sawyer, 2016). In Kenya, there are a few studies that demonstrate both success and failure of these schemes for all parties. Kenya is one of the few countries carrying a long history of contract farming since the colonial period due to a settler economy that established commercial farming practices (Hall *et al.* 2017). This, along with inefficient extension services provided by the state, has contributed to 25% of Kenya's agricultural production sourced from contract farming projects which employs an estimated 25% of Kenyan farmers (Mwambi *et al.* 2016; Minot and Sawyer 2016; Minot and

Ronchi 2014). Most of these out-grower schemes can be found in fertile southern regions of Kenya containing vast horticulture production, illustrated in the map below (figure 4).

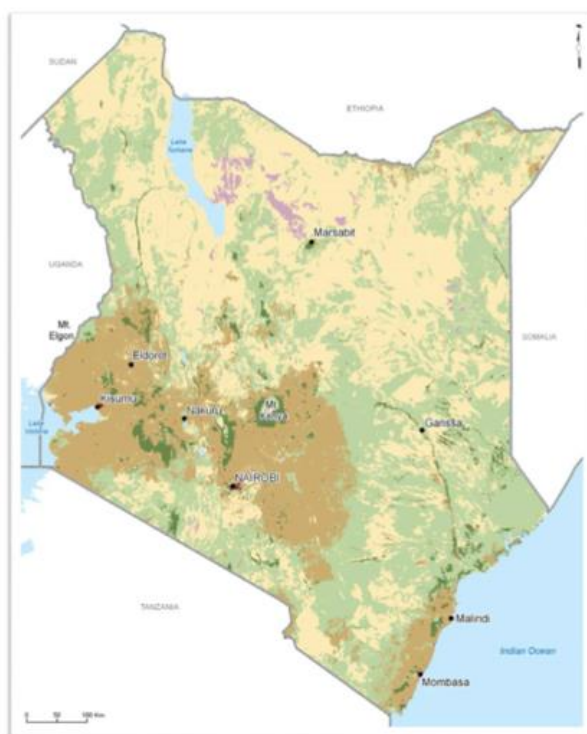


Figure 5: Map from the Ministry of Environment and Natural Resources presenting areas (brown colour) in Kenya with high agricultural potential (Source: Di Matteo 2017).

Tea, sugarcane and flower production are the most prominent cash crops adopting contract farming business models in Kenya (Oya 2012). In fact, the largest out-grower scheme in Africa is the Kenya Tea Development Agency (KTDA), a smallholder-owned organization which currently employs over 500,000 contract tea growers across the country who have cumulatively made tea the third largest foreign exchange earner in Kenya (Oya, 2012; Minot and Sawyer 2016; Ochieng 2009). Through an intermediary business model, KTDA provides tea farmers valuable inputs, monitors farming operations, determines locations and farmers for tea cultivation, and specifies husbandry practices (Mutoko *et al.* 2014; Ochieng 2009). Initially, KTDA was developed as a “top-down autocratic organization” employing landless wage labourers until 2000 when smallholder tea farmers voiced their concerns about exclusion in decision-making, turning KTDA into a private company completely owned by smallholders (Oya 2012; Smalley 2013; Ochieng 2009). Nevertheless, gender inequities are evident among out-grower families engaged with KTDA where the unequal distribution of benefits within households have contributed to unproductivity in the schemes, which the KTDA refuses to resolve (Bulow and Sorensen 1993).

Another popular crop for contract farming business models is French beans, which is mostly cultivated by women engaged with diversified agricultural production (Hall *et al.* 2017). One of the French bean out-grower schemes in Meru county, researched by Hall *et al.* (2017) and Hakizimana *et al.* (2017) has adopted an informal business model where farmers establish oral agreements with exporting companies based on mutual trust. The companies provide seeds and fertilisers for inputs, yet transport of French beans to processing facilities is the financial and physical responsibility of out-growers who also need to wait two weeks until receiving final payments (Hakizimana *et al.* 2017). In the study by Hall *et al.* (2017), higher incomes and financial capacity for consumer goods were observed among out-growers compared to farmers not engaged in contract farming arrangements. However, Hakizimana *et al.*'s (2017) study demonstrated increased land fragmentation which he linked to the absence of financial support and access to land markets.

While Kenya's tripartite relationship between state, private, and local agricultural actors places smallholders in a dominant position and recent studies have indicated improved welfare for farmers, out-grower schemes continue to rely on a small number of middle- and large-scale commercial farmers, rather than more smallholders (Wainaina *et al.* 2014; Oya 2012). One of the factors for the slow demise of several smallholder contract farming schemes with limited resources could be the European export ban on "unacceptable levels of chemical insecticides" as well as the enforcement of sustainability standards by exporters (Hakizimana *et al.* 2017). However, the main contributor is the demonstrable power disparity between farmers and investors, substantiated by three studies on sugarcane out-grower schemes which found monopolistic sugar companies retaining over 70% of the farmer's income as well as draining the sugar sub-sector through pervasive corruption (ActionAid 2015; Smalley 2013; Waswa *et al.* 2012). Insufficient income growth and rising poverty levels among smallholder farmers were also identified in studies on Kenyan avocado out-grower schemes (Mwambi *et al.* 2016; Waswa *et al.* 2012). Despite the negative outcomes, Strohm and Hoeffler (2006) predict that contract farming schemes will increase in Kenya, particularly in "untouched regions," correlating with trends in land scarcity and the rising demand of international food markets for high-quality products which contract arrangements help ensure.

2.5 Responsible Governance and Investment in Land: An International Doctrine

Motives, Stakeholder Roles, and Shared Principles of Agreements

Partly as a result of the scholarly disputes over benefits and costs of contract farming, land reform, and other initiatives related to land governance and investments, the Food and Agriculture Organization (FAO), the Committee on World Food Security (CFS), and the African Union (AU) have made a series of agreements compiling key principles and guidelines for national governments on the responsible investment and governance of land. Despite the ambiguity of these guidelines in their applicability to particular social, environmental, and political economic contexts, they address many of the inequalities that disadvantage rural communities and are crucial steppingstones for countries and organizations in fostering sustainable livelihoods through public and private institutional arrangements (FAO and IISD 2018; CFS 2014).

The common motives of all these agreements is to facilitate cooperation between stakeholders, to create positive partnerships between investors and producers based on trust, to maximize mutual benefits for all stakeholders, to promote the sustainable management of natural resources, and foremost, to enhance food security and eradicate poverty (FAO *et al.* 2017; ActionAid 2015; CFS 2014; AU *et al.* 2014). Many of the motives align with the overarching United Nations principles of human rights, gender equality, inclusiveness, inter-generational equity, transparency, accountability, cooperation, anti-corruption, economic growth and sustainable development. Additional principles that apply to land reform and contract farming initiatives include job creation, equal access to markets, improved social protection coverage, increased capacity in human resources, non-discrimination, empowerment of youth, transfer of innovative technologies, pollution prevention, reforestation, enhanced biodiversity, recognition of indigenous peoples, sustainable consumption, cultural heritage and traditional knowledge, fair benefit sharing, free, prior and informed consent, and regular impact assessments for monitoring and evaluation (CFS 2014; AU *et al.* 2014; FAO 2012). All agreements emphasize the sustainable use and management of healthy and functioning ecosystems and the protection of rights of marginalized groups, such as, smallholder farmers, pastoralists, forest peoples, and fishing communities, across community and state levels as a precondition for responsible land governance and investment (CFS 2014; AU *et al.* 2014; FAO 2012).

The agreements designate roles to actors involved in land governance and investments who are, hence, responsible for collectively operationalizing the broad range of principles according to respective capacities. The state's essential role for the successful execution of responsible investment and governance in land is to provide sufficient infrastructure and capacity for local governments in delivering public goods and services, such as, environmental protection, energy, education, health, nutrition, and childcare (CFS 2014). They are also charged with devolving decision-making authorities and promoting participation and coordination of multiple stakeholders through decentralized institutions governing land and investment (AU *et al.* 2014). The key priorities of state authorities should ideally be curbing extensive land acquisitions and promoting alternative, inclusive investment models that reduce socio-environmental impacts and improve conditions for and empower rural livelihoods (AU *et al.* 2014; FAO 2012). Public financial institutions are charged with developing “financial mechanisms and insurance tools,” appropriate for all resource users, particularly smallholder farmers, while private businesses transparently communicate and cooperate with smallholders affected by the enterprises (CFS 2014). Academia and research institutions are assigned to design innovative technologies and recommend appropriate policies based on preliminary context-based assessments on local-level needs (CFS 2014). Community-based associations also have a crucial role in amplifying the voices of under-represented groups in decision-making processes for land governance and investments (CFS 2014).

International Standards for Land-Based Investments and Contracts

A pivotal aspect of land-based investments – typically covering over 200 hectares – that helps ensure responsible behaviour of investors and other stakeholders are contracts, also the foundation of contract farming schemes (AU *et al.* 2014). Minimum requirements for contract farming schemes have been established by non-governmental organisations, research institutions and international agencies, that promote collaborative and inclusive business models for large-scale land-based investments. ActionAid (2015), FAO and IISD (2018), and FAO (2017) claim that responsible contract schemes require written contracts that clearly present the obligations of all parties and are “adapted to the realities of the specific commodity, local context and domestic legal system.” Producers of the scheme should be able to understand the contract and have an ample amount of time to review it with other farmers, address their concerns, and verify the fairness and potential risks of the partnership before making a formal agreement with investors (ActionAid 2015; FAO *et al.* 2017). Fundamental elements of the contract include purpose of investment, production area, pre-determined price and payments,

quality requirements, prescribed production methods, project duration, supply of inputs, transport for collection, third parties, conditions for force majeure and failure to comply, renegotiation and termination of the contract, shared production and marketing risks, compensation, dispute settlement mechanisms, and international sustainability standards (ActionAid 2015; FAO *et al.* 2017).

For general partnerships on farmland investments, it is imperative that all private stakeholders are aware of and comply with the relevant national laws on agriculture, land, tax, and corporate relations (FAO *et al.* 2017). Responsible investments necessitate the protection of customary tenure rights and provide fair and timely compensation for those people who lose access to their land due to investment projects (AU *et al.* 2014). Negotiations before, during, or after the agreement need to be conducted responsibly with rights respected, consistent communication of relevant information, such as risks and opportunities as well as costs and benefits, and fair bargaining power (FAO *et al.* 2017; AU *et al.* 2014). If partnerships involve a large group of smallholder farmers, parties should encourage the creation of producer associations that can efficiently represent the concerns of all farmers in negotiations (FAO *et al.* 2017). But for investments to be fully responsible, state and non-governmental actors need to serve as third parties that enforce the rights of producers, build the capacity of producers' contract literacy and negotiation, and hold investors accountable for actions, like monopolising local markets and shutting down small businesses (AU *et al.* 2014).

Guidelines for Responsible Land Governance

The foundational international agreement on responsible land governance that all other agreements build on is the FAO's (2012) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT). The VGGT signifies the recognition and respect of "all legitimate tenure rights holders and their rights" and the protection against threats that dispossess tenure holders of their land and disrupt livelihoods (FAO 2012). The establishment of a universal constitution outlining the conditions for land governance that is fair, transparent, and non-discriminatory will facilitate "the enjoyment of legitimate tenure rights...ensuring services are accessible to all" (FAO 2012). The major demands of VGGT for state actors to address and enforce in their national land governance systems include "access to justice for the infringement of tenure rights", alternative dispute resolutions, remedies like just compensation for public land acquisitions,

legitimation of customary tenure rights, legal assistance to marginalized groups, and widespread communication and publicization of tenure rights (FAO 2012).

The agreement delineates an array of provisions that guide states on the development of land reforms instituting legal recognition, allocation, transfer, and administration of tenure rights. Regarding legal recognition and allocation of tenure rights, states are encouraged to create “accessible and reliable inventories and registries recording tenure rights,” equitably distribute benefits of publicly owned lands, reallocate tenure rights to traditional resource users (such as indigenous peoples), monitor impacts of land allocation, strengthen women’s rights in statutory and customary tenure systems, and “acknowledge informal land tenure” (FAO 2012). For transfer and administration of tenure, the VGGT expect states to “facilitate fair and transparent sale and lease [land] markets,” maximize support of redistribution with increased access to inputs and credit for land tenure holders, prevent homelessness of evicted communities, efficiently distribute information on tenure rights through local land officials, use non-market values for land valuation processes, and address transboundary conflicts over land tenure (FAO 2012).

2.6 Two Approaches, One Objective: Intersection of Key Concepts

After a comprehensive review of scholarly views on land reform and contract farming and their potential in motivating responsible governance and investment on land, one can confirm the contested nature of these separate approaches to securing sustainable livelihoods and countering threats on land access and use in Kenya. It is, naturally, difficult to determine the success or failure of these public and private institutional tools when many scholars accentuate the significant power asymmetries dictating the distribution of benefits and costs “adding a new layer of land injustice” instead of resolving issues (Wily 2018). Nonetheless, scholars discussing both approaches agree that the key determinant of outcomes for rural livelihoods is the unique context of “prevailing land tenure regimes, national and subnational political regimes, socio-economic and legal environments, existing distributions of power, resources, and market opportunity” along with local histories and agrarian relations as emphasized by Boone (2019), Hall *et al.* (2017), and Ochieng (2009). They also agree that the recognition and registration of land rights is equally as necessary for boosting economic growth at the local

level through investments, meaning that both approaches of land reform and contract farming go hand in hand (Cotula and Leonard 2010).

Boone (2019) encourages the state and public actors to orient new policies and mechanisms on investment and land around a social purpose that enhances the agency of marginalized groups, equitably incorporates smallholders into larger economies and ensures local concerns are addressed by “those who embrace this objective.” The profit-oriented, “predatory” elite across local and national levels should, therefore, be monitored by external processes to prevent further manipulation of vulnerable communities (Ochieng 2009). Burnod *et al.* (2012) and Cotula and Leonard (2010) believe that the support and engagement by socially-minded NGOs, development agencies, and state actors will help facilitate an inclusive policy environment fostering sustainable investments, “increase the smallholders’ negotiating power, reduce the transaction costs... and improve information sharing among the parties.” Scholars also recommend a clear designation of roles among actors for protecting local interests, where non-governmental entities support platforms for community action and capacity-building, state actors recognize community land rights and establish mechanisms of dispute resolution, and private actors provide affordable access to inputs and training and transparently communicate with smallholders (Burnod *et al.* 2012; Cotula and Leonard 2010).

With the abridged literature review overall calling for the qualification of pronounced “win-win narratives” and investigation of stakeholder power relations in both approaches (Hall *et al.* 2017; Oya 2012), this thesis addresses a crucial knowledge gap by examining the sustainability and impacts of land reform and contract farming at the decentralized level, which until now has not been extensively researched in the Kenyan context. Environmental effects have been minimally examined by scholars in the two approaches, underscoring the need for more research on this essential aspect of sustainability and how to use this information to rethink institutional tools to secure rural livelihoods (Freguin-Gresh *et al.* 2012). Additional knowledge gaps highlighted by the literature include localized studies on recent implications of the decentralized governance system on rural Kenyan livelihoods, the effects of land conflict on contract farming and vice versa, research on constraints faced by contract firms, and key drivers of land politics such as population growth, Vision 2030 and new investments at the county level (Boone *et al.* 2016; Minot and Ronchi 2014). But most importantly, a broader perspective is needed to further tackle poverty and environmental issues, understand the key concerns of rural livelihoods, and address “the myriad of interests and conflicts that often surround land”

(Sjaastad and Cousins 2008). This study will address the demand for a broader perspective by applying a unique, equity-based lens on the processes and impacts of land reform and contract farming as two public-private initiatives that may pose a diverse range of outcomes for rural livelihoods contingent on the motives and powers of actors influencing implementation.

3 Conceptual Framework

The substantive ideas emerging from this research on the implications of contract farming and land reform on Kenyan livelihoods will be unpacked, analysed, and synthesized by a three-pronged umbrella of socio-environmental theories. The three main theories – sustainable livelihoods, political ecology, and access – were selected for their utility of identifying the distinct impacts on the sustainability of rural livelihoods, along with disentangling the power dynamics of different stakeholders that influence outcomes at the local level through various mechanisms. Cumulatively, the theories build a framework that extracts particular aspects from the academic debates on land reform and contract farming that not only inform the comprehensive sustainability of these implemented public-private tools for marginalized communities, but also elucidate the key agents of change driving these tools, which can either improve or exacerbate conditions for rural livelihoods.

3.1 The Anatomy of Sustainable Livelihoods: A Core Theory

Defining Sustainable Livelihoods and Framework Goals

The livelihoods approach, initially developed by Chambers & Conway (1991), “encompasses the skills, assets and approaches which will be used by individuals and communities in order to survive” and get out of cyclical poverty (UNDP 2017; Singh 2017). Livelihoods are categorized as sustainable when they “can cope with and recover from stresses and shocks and maintain or enhance its capabilities, assets and activities both now and in the future while not undermining the natural resource base” (Chambers and Conway 1991). Through the Sustainable Livelihoods Framework (SLF), factors of sustainable livelihoods and their interactions, including the vulnerability context, behaviours, assets, and intervening institutions, are examined across micro, intermediate, and macro scales (UNDP 2017; Adato and Meinzen-Dick 2002). The SLF can be used to plan “people-centred” and “participatory” development activities or determine the level of contribution of operational development projects to different livelihood strategies that can be constrained or enhanced depending on the nature of development (Serrat 2017; Scoones 1998). Essentially, it is a sustainable and systematic assessment on the current and future conditions of impoverished communities, affected or targeted by development projects (UNDP 2017).

The framework was originally devised as “an approach to maintain or enhance resource productivity, secure ownership of and access to assets, resources and income-earning activities as well as to ensure adequate stocks and flows of food and cash to meet basic needs” (Singh and Gilman 1999). In sum, SLF aims to alleviate poverty by identifying appropriate interventions applicable to “the reality for poor people in the South” and their needs for diversification of economic and non-economic livelihood opportunities and capacities (Adato and Meinzen-Dick 2002; Singh and Gilman 1999). Through the in-depth analysis of the socio-environmental, economic, and political causes of poverty, development organizations and practitioners can pinpoint high-impact areas to prioritize and address in their sustainable development plans (Adato and Meinzen-Dick 2002).

The Axes of Analysis

The main component of the SLF is a set of five livelihoods assets that are assessed according to the extent of skills, social networks, and access to physical, natural and financial resources present in targeted or affected communities of particular development initiatives (Serrat 2017). If all the assets are combined and expanded to the maximum capacity, livelihoods are constituted as sustainable (Serrat 2017; Scoones 1998). The first livelihood asset is *human capital*, which encompasses the “combined abilities, experience, work skills and physical state of good health” that populations can use to attain different livelihood strategies and achieve livelihood objectives (UNDP 2017). Examples of human capital include education, capacity building and training, policy reform, and local institutions benefitting marginalized groups such as women, indigenous populations, youth, and migrants (UNDP 2017; Serrat 2017). Secondly, *social capital* accounts for social resources, such as networks, associations, participatory decision-making, democratic institutions, relationships with authorities, and program assistance, which communities depend on for improved livelihoods (UNDP 2017; Serrat 2017). *Natural capital*, as the third livelihood asset, equips livelihoods with land, forests, water, soils, and other resources crucial for food production towards human consumption and income generation, buffers for natural disasters, and healthy ecosystems fostering biodiversity and human well-being (UNDP 2017; Serrat 2017). In *physical capital*, the fourth livelihood asset, local infrastructure is emphasized for supporting healthy livelihoods with access to essential services, such as, roads, housing, sanitation, communication, technology and clean and affordable energy (UNDP 2017; Serrat 2017). The fifth livelihood asset is *financial capital*,

comprised of monetary flows and stocks, such as savings, pensions, credit, and wages, used to expand other livelihood assets (UNDP 2017; Serrat 2017).

Other interacting components of the SLF are the vulnerability context, transforming structures and processes, livelihood strategies, and livelihood outcomes, all of which influence and are influenced by the livelihood assets as depicted in Figure 5.

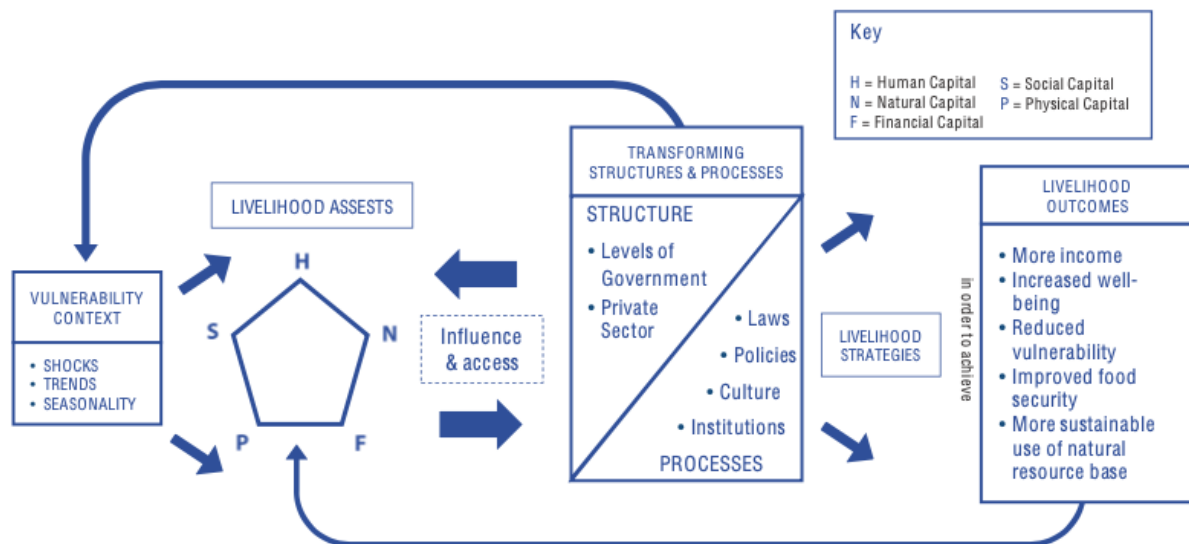


Figure 6: A diagram of the SLF, developed by the UK Department for International Development (Source: UNDP 2017).

Vulnerability is defined by Serrat (2017) as “insecurity in the well-being of individuals, households, and communities in the face of changes in their external environment.” In the SLF, the vulnerability context directly interacts with the livelihood assets maintained by a community and the transforming structures and processes that fundamentally affect all SLF components. Structures are the public and private entities forming and implementing particular processes, including policies, legislation, and institutions that pose implications on the access to assets and choice of livelihood strategies across local, national, and international levels (UNDP 2017; Serrat 2017; Adato and Meinzen-Dick 2002). A portfolio of livelihood strategies, consequently, shape livelihood outcomes that, if achieved, will transform livelihoods making them more sustainable (Adato and Meinzen-Dick 2002; Scoones 1998).

Applicability to Thesis Topic and Accompanied Challenges

Sustainable livelihood scholars frequently emphasize the need to understand and examine the influence of formal and informal institutional structures on livelihoods in order to design appropriate interventions that improve sustainable livelihood outcomes (Serrat 2017; Scoones

1998). This thesis responds to scholars' demands by centring on the effects of transforming structures and processes situated in the local and national context of Kenya. In three steps, the SLF is applied: 1) scoping the vulnerability context of rural resource users' access to and use of land in Kenya; 2) identifying the public-private structures – land reform and contract farming – aiming to protect and improve livelihoods ; and 3) analysing the types and extent of capital that land reform and contract farming projects provide to particular rural communities (UNDP 2017). The third step is the focus of the current research and will help determine whether land reform and contract farming projects are “restrictions and/or opportunities to sustainable livelihoods” that weaken or strengthen the five livelihood assets (Scoones 1998; Adato and Meinzen-Dick 2002).

One of the major challenges with this theoretical framework is to ensure causality between changes in livelihood assets and the impact of public-private tools (Haugerud 1989). In order to determine the particular causes in changes of the type and extent of livelihood assets held by rural communities in Kenya, additional research is needed on the baselines of capital endowments in investigated communities where rural livelihoods are practiced. This could be completed through an extensive examination of a single community's evolution of livelihood assets across a substantial timeframe correlating with the formation and implementation of land reform and contract farming projects. Furthermore, sustainable livelihoods research necessitates the recognition of other potential causes of changes in livelihood assets, including the plausibility that community members are the key change-makers in livelihood conditions and not simply “passive victims of government policies and external aid” often perceived of impoverished groups (Adato and Meinzen-Dick 2002).

Nevertheless, findings from the application of the SLF will generate insights on the different ways stakeholders perceive the nature and suitability of development approaches (UNDP 2017). Other limitations include the potential adverse effects of the investment in one livelihood strategy on other livelihood assets, implying that these assets are not directly or fully substitutable, as well as the absence of attention to the factors of power, culture, social differentiation and history on sustainable livelihoods, (Scoones 1998; Serrat 2017; Adato and Meinzen-Dick 2002). In the following section, the risk of powerful groups appropriating livelihood assets will be addressed and incorporated into the overarching conceptual framework (Singh 2017).

3.2 Political Ecology and Access to Resources: An Integral Complement

Evolution of Theories and Intentions

The theory of access to resources and the broad lens of political ecology problematize social and environmental issues in a way that addresses the political underpinnings of resource conflicts, scarcity, and unsustainable livelihoods. Ribot and Peluso's (2003) theory of access identifies the key factors affecting people's capacity of accessing and benefiting from natural resources. Comparably, political ecology emphasizes the political-economic dynamics of struggles over natural resources in the developing world (Bryant 1998). Both theories explore the inequitable forms of access and control over natural resources and the culminating implications on society with the aim to develop sustainable solutions for environmental disturbances and degradation that are sensitive to social differences and power imbalances (Watts, 2000; Paulson *et al.* 2003).

Political ecology has amassed interest among scholars since Blaikie and Brookfield (1987) coined the term following rising "concerns of ecology and a broadly defined political economy...[and] the constantly shifting dialectic between society and land-based resources." Consequently, a significant amount of research on human-environment relations have adopted a political ecology lens in order to identify the power relationships within environmental narratives (Neumann 2009). The initial assumption of political ecology was that the unequal power relations rooted in a globalized capitalist political economy are key drivers in "reshaping and destabilizing human interactions with the physical environment" (Walker 2005). However, more recently other factors were integrated into the theory including ethnic identities, gender relations, traditional knowledge, cultural epistemologies and ontologies, and institutional tools of governance that "condition the knowledge, decisions, and actions of diverse land managers" (Paulson *et al.* 2003).

The theory of access builds on political ecology by adding the dimension of resource users and powerful groups striving to win the 'tug-of-war' over access and control of natural resources. By examining further the complex "means, relations, and processes that enable various actors to derive benefits from resources," scholars in land and agrarian studies can more clearly identify and emphasize the political-economic "mechanisms that can affect changes in resource management and use efficiency, equity and sustainability with consequences for well-being, justice, conflict and cooperation" (Ribot and Peluso 2003). Special attention in these theories

is, thus, directed to the abilities and constraints of populations vulnerable to the exploitation of powerful entities (Watts 2000).

Common and Distinctive Concepts for Synthesis

For a deepened understanding of political ecology and access and their application to this thesis topic, it is fundamental to break down and define the individual components and relevant concepts. Paulson *et al.* (2003) defines politics as “the practices and processes through which power, in its multiple forms, is wielded and negotiated.” In relation to ecology, Walker (2005) emphasizes the interchangeability of the term to ‘nature’ and the natural ‘environment,’ associated with biophysical sciences. Access is broadly defined by Ribot and Peluso (2003) as “the ability to derive benefits from things,” highlighting the differentiation of those people and institutions that control and maintain resource access. A uniting concept for both theories is ‘power,’ described by Hornborg (2001) as “a social relation built on an asymmetrical distribution of resources and risks.”

The hypotheses of political ecology and access assume that: 1) Political-economic institutions shape and centralize the power to control resource access while rural, impoverished populations are consistently forced to maintain their access “through those who have control” (Ribot and Peluso 2003); and 2) Power asymmetries, social marginalization and the unequal distribution of costs and benefits, rooted in colonial legacies, are the primary cause of environmental degradation and erosion of resource users’ local environmental knowledge necessary for resilient, sustainable livelihoods (Ingalls and Stedman 2016; Walker 2005). These assumptions motivate research on contested public-private tools claimed to both combat and facilitate the inter-linked phenomena of institutionally driven power asymmetries and environmental degradation, depending on the context. The analysis of land reform and contract farming projects will be synthesized under these broad assumptions, guided by Ribot and Peluso’s (2003) tenets of analysis on the “range of powers” distributed across people and institutions that have created and/or impeded the control and maintenance of access to natural resources.

The first step is to “identify and map the flow of the particular benefit of interest” within Kenya’s land reform and selected contract farming projects (Ribot and Peluso 2003). The second step involves “identifying the mechanisms by which different actors gain, control, and maintain the benefit flow and its distribution,” which can be applied to specific aspects or actors driving Kenya’s land reform and out-grower schemes (Ribot and Peluso 2003). The final step

is an analysis of power relations “within social and political-economic contexts that shape people’s abilities to benefit from resources,” culminating in an examination of how the actors engaged in both public-private tools capture or re-distribute benefits, according to their mapped interests, and influence the micro-level outcomes for rural livelihoods (Ribot and Peluso 2003). Additional attention is applied to how people are able to reap benefit from natural resources without degrading them, demanding the need for limitations on use of natural livelihood assets that is evidence-based, negotiated, agreed and enforced, preventing the eventual collapse of schemes solely guided by social equity, yet crucially dependent on the continued supply of ecosystem services.

Paulson *et al.* (2003) has established a process for the synthesis of power relations identified by the access analysis, oriented around the concepts of *marginality* mutually reinforced by political, economic, and ecological factors, *pressure of production on resources* via social relations demanding environmental exploitation for profit, and the *plurality* of positions and interests in accessing and using the environment. These concepts are explored initially by the identification of social differentiation in a particular context of socio-environmental contestation, followed by the trace of powers from local to international scales that may have influenced the social differentiation and resulting resource conflicts (Paulson *et al.* 2003; Watts 2000). The last part of the process is combining the local processes and global drivers of the selected phenomena to delineate the inter-connected, power-driven relationships and influences on socio-ecological outcomes (Paulson *et al.* 2003).

Overall, the access analysis and political ecology synthesis will “challenge dominant interpretations of the causes of environmental degradation and contest prevalent prescriptions for solving such problems,” advocating a justice-oriented approach to sustaining rural livelihoods and the natural resources they depend on (Paulson *et al.* 2003).

Overcoming Key Challenges

While political ecology and access help fill the analytical gap on power relations in the sustainable livelihoods framework, they also carry a few weaknesses that may pose a challenge for the practical application of such theories to socio-environmental research. A major misconception of political ecology that Neumann (2009) highlights are the different geographical scales that are often generalized in research with ‘large-scale’ described simply as “capital intensive, spatially extensive, or national” and ‘local’ as community based. The

theory demands a deepened reflection on the meaning and complexity of scales in political ecological processes and recognition of the potential influence of a researcher's assumptions on the interpretation of results. This will be applied in this study by reflecting thoroughly during the data analysis on the impositions of my idea of 'good' and 'bad' actors influencing outcomes of land reform and contract farming. These narratives are subjective depending on the background of each researcher and need to be considered and acknowledged when presenting findings.

Another weakness scholars noticed in several studies is the simplification or disregard to the ecological implications of political ecological processes (Walker 2005). The locus of attention is on power dynamics within socio-environmental phenomena, where ecological aspects are loosely investigated and lack sufficient evidence to support the few statements on biophysical characteristics. Walker (2005) and Paulson *et al.* (2003), therefore, call for more holistic and explicit assessments of power, political conflict and environmental change, that can contribute substantive recommendations for addressing environmental degradation associated with social marginalization. In this thesis, political ecology and access theories will help unveil the complex relationship between humans and nature that is both a driving force and result of poverty-oriented, development interventions, such as, land reform and contract farming.

3.3 Application Design of a Multifaceted Framework

The concepts and theories presented and discussed frame this thesis in a multifaceted process that jointly shape a holistic lens on the suitability of approaches to securing sustainable rural livelihoods in Kenya, hinged on diverse interests. The three research objectives are fulfilled through a six-step analytical process, portrayed below:

Research Questions 1 and 2: How have Kenya's land reform and contract farming projects affected the sustainability of rural livelihoods?

1. Identify and map the contributions from land reform and the selected out-grower schemes to rural livelihoods accessing and using land through a pentagon of livelihood assets from the SLF, assessing the extent of and type of livelihood assets.

2. Contextualize livelihood assets that were contributed or impeded by land reform and contract farming.
3. Locate internal and external mechanisms controlling the flow and distribution of impediments or contributions to livelihood assets.

Research Question 3: What are the roles of micro- and macro-scale actors in shaping and defining sustainable outcomes of land reform and contract farming?

4. Trace the powers in land reform and contract farming from local to international levels, resulting in an integrated diagram of actors for land reform and contract farming in Kenya.
5. Delineate and categorise the ways that actors influenced social, ecological, and economic outcomes.
6. Analyse the perceptions of research participants on how they defined successful approaches to sustainable livelihoods.

The three conceptual lenses are ultimately integrated in a diagram displayed in Figure 7, depicting the pentagon of assets at the core level of sustainable livelihoods, surrounded by the additional layers of actors influencing the extent of livelihood assets through their power relations between and within micro and macro scales. The actors in the community, county, national and international levels are essentially the transformational mechanisms driving the outcomes of structures and processes of land reform and contract farming. The diagram will be used for research question three which traces the powers in land reform and contract farming from local to international levels and delineates the ways that actors influenced the social, ecological and economic outcomes for rural livelihoods. Inherently, the hybrid conceptual framework on sustainable livelihoods, access to resources, and political ecology will apply sufficient depth and focus on the crucial needs, views, experiences and knowledge of rural livelihoods, which will ultimately contribute to a set of considerations for state, non-governmental and private actors to address when charting the course for Kenya's sustainable development pathway.

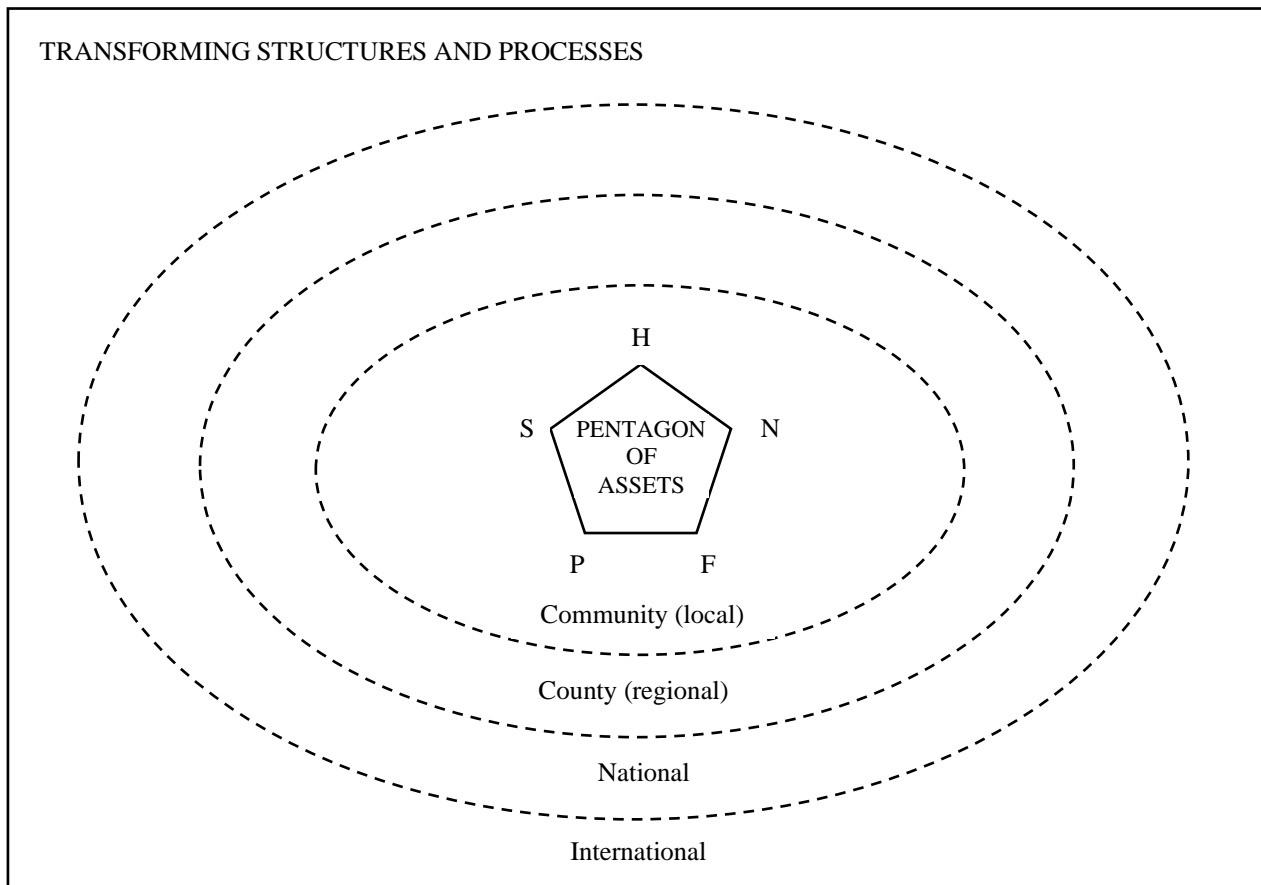


Figure 7: Integrated conceptual framework of sustainable livelihoods, access and political ecology.

4 Methodology

Over a four-to-five-month period, this thesis used a qualitative research methodology to collect and analyse data on the implications of land reform and contract farming projects in Kenya. Qualitative research, particularly with an interpretivist paradigm, deepens diverse understandings of reality by gathering perceptions from individuals embodying unique contexts (Erlingsson and Brysiewicz 2017; Sovacool *et al.* 2018). This methodology is particularly suitable to the research topic of land governance and farmland investments where the political economic context is a pivotal factor for social and environmental conditions at the community level, as stressed in the conceptual framework.

The methodology for answering the three research questions is guided by a hybrid model of inductive, retroductive and abductive logics of inquiry. Inductive logic generates insights through data collection which applies to the first two research questions analysing the livelihood assets contributed by land reform and contract farming projects, advanced by the SLF (Sovacool *et al.* 2018). The synthesis of results from the inductive analysis requires retroductive logic for identifying the political economic context and “underlying structures or mechanisms that are responsible for producing the observed regularity” (Blaikie and Priest 2019). Finally, abductive logic assists the third research question on the roles and motives of social actors involved in land reform and contract farming in Kenya (Blaikie and Priest 2019). This section will provide an overview of the different data sources, collection methods, and analytical tools employed to form a comprehensive and coherent response to the three research questions and achieve the primary objective of assessing the success of approaches to securing the equitable access and sustainable use of land for rural livelihoods in Kenya.

4.1 Data Collection

Primary and secondary data on the main concepts addressed, investigated, and discussed in this thesis were collected from a semi-natural setting, involving interviews, and social artefacts, material generated by other researchers or practitioners (Blaikie and Priest 2019). Throughout the thesis period, data was collected from a range of sources that are categorized and summarized in Table 1.

Table 1: Sources of data collection.

Data Sources	Description
Databases for Scholarly Literature	60+ scholarly articles from peer-reviewed journals on land reform, contract farming, threats to land access, sustainable livelihoods, and political ecology
Interviews	12 semi-structured interviews with scholars, independent experts, PhD students, and practitioners from NGOs
Exploratory Interviews	12+ informal discussions with experts, scholars, practitioners, and researchers (excluding interviewees)

The accumulation of data from different sources broadened and enriched the overall perspective of land reform and contract farming, placing the approaches in Kenya's unique and multifaceted context surrounding land. The main objective of determining the appropriateness of these public-private tools in enhancing the sustainability of rural livelihoods entails a vast range of perspectives from multiple disciplines and sources that not only inform the socio-environmental implications of land reform and contract farming, but offers insights on the complex interplay of actors driving the outcomes.

Literature Review

The reviewed literature that provided an essential background and identified trends in the discourse on land reform and contract farming was completed from February to April 2020. The majority of the scholarly articles and book chapters were found in online archives, including Google Scholar and the university library catalogues at Central European University and Lund University. In early January 2020 the research topic was finalised in cooperation with supervisors and partnering organisations, resulting in an identification of keywords applied to all selected search engines. Listed below are a series of the main keywords used:

- Land reform 'and' Kenya
- Land governance 'and' Kenya
- Land rights 'and' Kenya
- Contract farming 'and' Kenya
- Out-grower schemes 'and' Kenya
- Contract farming 'and' land access
- Land rights 'and' contract farming 'and' Kenya
- Land threats 'and' rural livelihoods
- Sustainable livelihoods

- Political ecology

While there were no restrictions on the range of time when articles were published, the most informative articles selected and emphasized in the literature view were from the last 10 years.

Other articles were retrieved through exploratory, online interviews with practitioners and experts on land issues in Kenya and the sub-Saharan African region, who forwarded published texts relevant to the research topic. The preliminary discussions and desktop research were crucial in not only concretizing the concepts in the Kenyan context, but advising a suitable research direction resulting in major alterations and additions to the research topic, including the selection of Kenya for the main setting of land issues, the introduction of sustainable livelihoods as a core theoretical framework, the removal of large-scale land acquisitions as a central concept, and the adjustment of research focus towards analysing land reform and contract farming separately rather than the initial aim of exploring the complex interface of the two approaches.

Interviews

The primary data in this thesis was obtained from 12 online, semi-structured interviews with 13 research participants, along with a set of material provided by contacts representing Kenyan Non-Governmental Organisations (NGOs), research centres and international agencies. Research participants were identified mainly through snowball sampling methods where exploratory discussions and initial interviews recommended other experts and practitioners in land reform and contract farming for additional interview requests (Creswell 2007). A few interviews were secured through convenience sampling methods where the researcher selects individuals based on accessibility and availability of online contact information (Creswell 2007). The minimum sample size was 10 research participants which was enough to gather a diverse set of perspectives and experiences of land reform and contract farming in Kenya, according to Creswell (2007) and Joffe (2012) who claim that five to 25 research participants are appropriate sample sizes for qualitative studies.

In the original research design, the plan was to select an equal amount of research participants in four identified stakeholder categories, namely: 1) NGOs and international agencies; 2) national government (ministers, county officials, policy-writers); 3) business (companies, cooperatives, private intermediaries); and 4) research or educational institutions (universities,

research centres). However, due to constraints on data access and availability I was only able to identify research participants from Kenyan NGOs, international agencies and educational institutions, displayed in Table 2 below. In total there were seven Kenyan research participants and five non-Kenyan participants either working or conducting research in Kenya.

Table 2: Allocation of research participants to stakeholder categories.

Stakeholder Type	Number of Research Participants
Non-governmental Organisations and International Agencies	6
Educational/Research Institutions	4
Mixed (educational & NGO background)	2

Research participants were also sampled according to their expertise on land reform and/or contract farming, with an equal amount of research participants allocated to each approach. The results on the categorical expertise of the 13 research participants are displayed in Table 3:

Table 3: Allocation of research participants' expertise in approaches to sustainable livelihoods.

Approach to Sustainable Livelihoods	Number of Research Participants
Land Reform	5
Contract Farming	4
Mixed	3

The interviews were completed across two to three weeks at the end of April and early May 2020. The interview duration was between 30 to 90 minutes and conducted via Skype, Zoom, and WhatsApp, depending on the preference of the interviewee. Three comparable interview guides (Annex 1) were drafted prior to the interview period, catered to the expertise of each research participant – whether it was land reform, contract farming, or both – while following an overarching structure modelled after the SLF. Joffe (2012) recommends organising a semi-structured interview around key topic areas in order to narrow the information provided by the interviewee on aspects of the phenomenon(s) being studied. At the beginning of each interview, a brief introduction informed the research participant about the interviewer and the purpose of the thesis and specific interview, followed by an inquiry on permission to audio record the interview. Before the first question, consent was asked and recorded. Out of a total of 20 to 25 questions listed in the interview guide, only 10 to 15 of the questions were asked in each interview in order to remain within the designated hour allocated for each interview. At least one of the sub-questions within each structured category were covered in order to maintain a broad coverage of topics, particularly regarding the social, environmental, financial, and

physical impacts of each approach and the perceptions on the role of actors and nature of livelihood outcomes.

4.2 Data Analysis

Once the data was collected from semi-structured interviews and social artefacts, a thematic (content) analysis was performed on the transcribed texts, resulting in the identification of central, unifying themes for analysis and the formation of ‘pentagons of [livelihood] assets’ for Kenya’s land reform and selected cases of contract farming projects. No computer software was used for the analysis, except for Happy Scribe that transcribed the interviews and structured the transcriptions.

Thematic analysis is an analytical tool promoted by Clarke and Braun (2006, 2014) and Joffe (2012) as an alternative to the traditionally used qualitative method of content analysis. Both methods propose a systematic way of organising large quantities of qualitative data and transforming it into a “concise summary of key results” (Erlingsson and Brysiewicz 2017; Blaikie and Priest 2019). However, thematic analysis emphasizes the patterns of fundamental meanings in qualitative data rather than the frequency of codes, which is the central analytical component of content analysis (Joffe 2012). Thematic analysis was selected for its applicability to a broad range of research questions exploring the conceptualisations and experiences of stakeholders on the drivers, processes and impacts of phenomena, rooted in social phenomenology (Clarke and Braun 2014; Joffe 2012). It also allows a hybrid inductive, retroductive and abductive approach in which pre-existing theories partly drive the data analysis, yet new theories embedded in the data also emerge (Joffe 2012).

In this thesis, the first step of the thematic analysis involved reviewing the interview transcriptions and additional material, highlighting significant statements that provide insights on how participants perceived the approaches (Creswell 2007). Secondly, I created ‘latent’ and ‘semantic’ codes, with the former derived from the conceptual framework answering ‘why’ and ‘how’ questions and the latter identified from the surface content of the data answering ‘who’, ‘what’, ‘when’, and ‘where’ questions (Clarke and Braun 2014; Blaikie and Priest 2019). Once the latent codes were applied to the data and semantic codes emerged, a ‘coding frame’ was devised sorting the list of codes and matching them with a set of significant, condensed statements or extracts from the qualitative data (Joffe 2012; Blaikie and Priest 2019). This contributes to the third step of coalescing the codes into select themes that

encapsulate the patterned meanings and central concepts in the data and cumulatively answer each research question (Clarke and Braun 2014). In the fourth step the themes were named, defined and described for inter-connectedness, which is presented in the final step of producing the report on results where the most notable excerpts from the transcribed interviews and material demonstrate each theme addressing the research questions (Clarke and Braun 2014; Joffe 2012; Blaikie and Priest 2019). A simple illustration of the whole process is displayed in Figure 6:

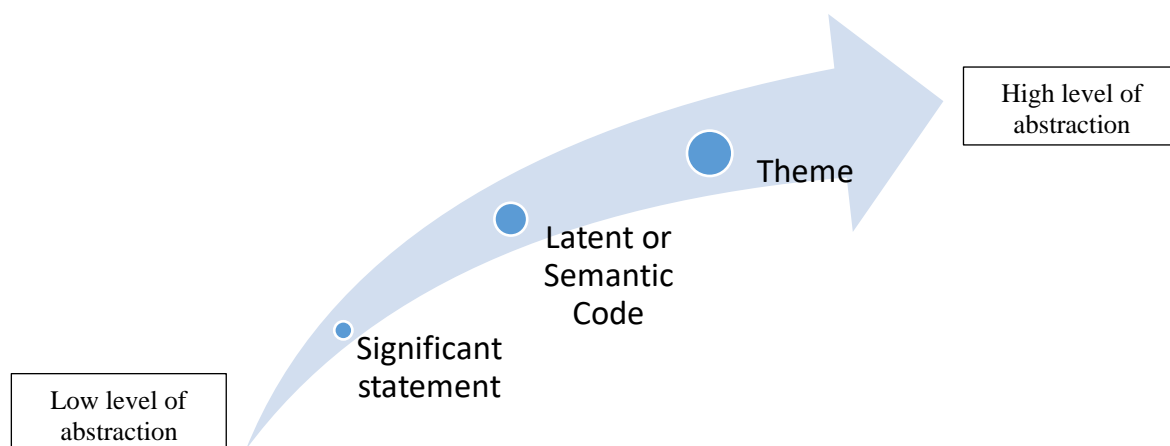


Figure 8: The process of thematic (content) analysis, adapted from the original in Erlingsson and Brysiewicz (2017).

An additional layer of analysis is proposed by UNDP's (2017) Guidance Note on the Application of the Sustainable Livelihoods Framework in Development Projects, which has developed the pentagon of assets, a visual diagram assessing people's livelihood assets and highlighting inter-linked assets.

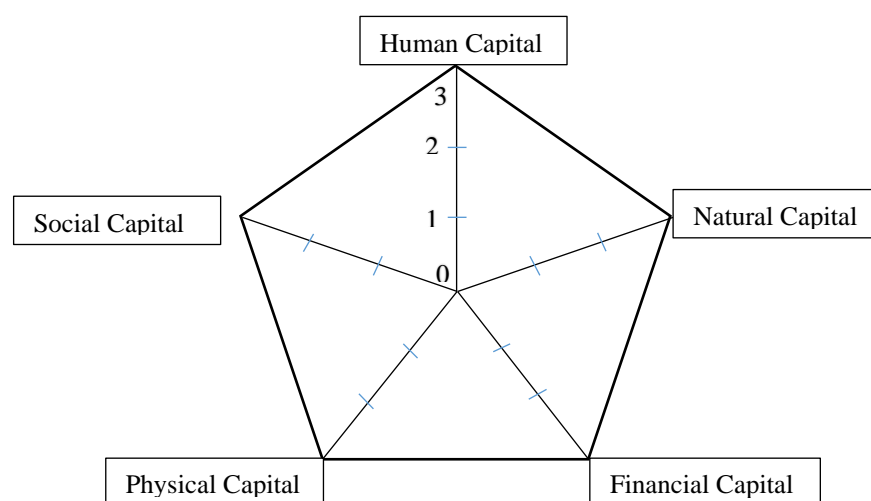


Figure 9: The pentagon of assets for the Sustainable Livelihoods Framework, adapted from the original in UNDP (2017).

Figure 7 exemplifies a pentagon of assets at maximum capacity, constituting fully sustainable livelihoods. In order to create a pentagon of assets indicating the differential access to livelihood assets contributed by Kenya's land reform and selected out-grower schemes, the raw qualitative data was transformed into numerical codes quantifying the level of sustainability of each capital. The quantified categories are described below:

- 0 = No contribution by the approaches to a capital (unsustainable)
- 1 = Limited contribution (limited sustainability).
- 2 = Average contribution (progressively sustainable)
- 3 = Abundant contribution (very sustainable)

Once numerical categories have been allocated to each capital contributed by land reform and contract farming projects, lines were drawn connecting the five numbers, demonstrating the extent of assets accessible to and used by rural livelihoods. The assessment is based on the comprehensive analysis of transcribed interviews that attempts to reflect all perspectives of the interviewed actors equally. In this process of analysis, is imperative to be aware of and reflect on the influence of the analyst's knowledge on results and to prevent assumptions subconsciously guiding the analytical process, as emphasized by Erlingsson and Brysiewicz (2017).

4.3 Limitations and Responses

The main limitation of this research methodology is the exclusion of primary data from smallholder farmers, community leaders, county officials, farming cooperatives and other stakeholders directly involved with rural livelihoods. This was a direct consequence of the global response to the COVID-19 pandemic in spring 2020, which involved a series of travel restrictions imposed by almost all national governments to control the spread of the virus. The travel restrictions made it impossible to conduct the planned fieldwork in Kenya, thus, constraining data access and availability on contract farming and land reform. The disrupted fieldwork would have involved spending three to four weeks across central and western Kenya participating in community visits of land-focused Kenyan NGOs I was initially communicating with. These NGOs would have connected me with smallholder farmers involved in out-grower schemes and marginalized groups affected by land reforms that I could speak to about the impacts they observed on rural livelihoods in their respective communities. The alternative

research methodology which was adopted as a result of the sudden change in global circumstances involved narrowing the scope of research participants to primarily experts and practitioners in NGOs and educational institutions, several of which I was already speaking to when planning my fieldwork. With this altered research design, I was able to obtain enough data that alludes to the perceptions and experiences of the rural groups in Kenya I was initially aiming to analyse.

In qualitative data collection methods, there is an inevitable risk of bias, particularly in interviews where participants may only provide responses they perceive as desirable for the research or the organization they represent (Sovacool *et al.* 2018). There is an inherently subjective nature of qualitative research that unless acknowledged and addressed will prompt rash generalizations of data. The subjectivity of qualitative research necessitates the researcher to be explicit about the specific context, geographical area, time period, and stakeholder interests that are being studied. Another constraint in data collection is language and cultural barriers that have limited the sampling scope to English-speaking participants with access to internet and tele-communications. The perspectives of non-English speakers residing in remote areas were therefore not incorporated in this study, furthering potential bias in results. One of the limitations in the data analysis involving the pentagon of assets is the ambiguity in the definition of contributions to livelihood assets by land reform and contract farming. There is no defined method for calculating the extent of each livelihood asset other than estimating the average frequency of references among latent and semantic codes. Therefore, the findings derived from this analytical approach are mainly suggestive, rather than substantiated.

5 Implications of Land Reform on Sustainable Livelihoods

The analysis of participant views and insights on land reform resulted in an assemblage of key findings characterising the extent of livelihood assets that the Kenyan constitution and land policies have contributed to rural populations and their access to land in Kenya since 2009. The pentagon of assets in Figure 8 charts the results from the interviews, displaying a rise in social and human livelihood assets based on the frequent references to an increase in public participation, empowerment, and support on land governance at the community level. Also displayed is the low amount of natural, financial, and physical livelihood assets contributed to rural livelihoods, stemming from observations on unsustainable land management practices among registered landowners and continued marginalization of rural populations. The cumulative scoring table for the pentagon of assets is attached in Appendix 2. While these views on the implications of land reform on the sustainability of rural livelihoods in Kenya are indeterminate, the observations and perspectives from practitioners in Kenyan NGOs and researchers in educational institutions allude to the nature of impacts and accompanied mechanisms driving the flow of benefits to livelihood assets that demand further attention.

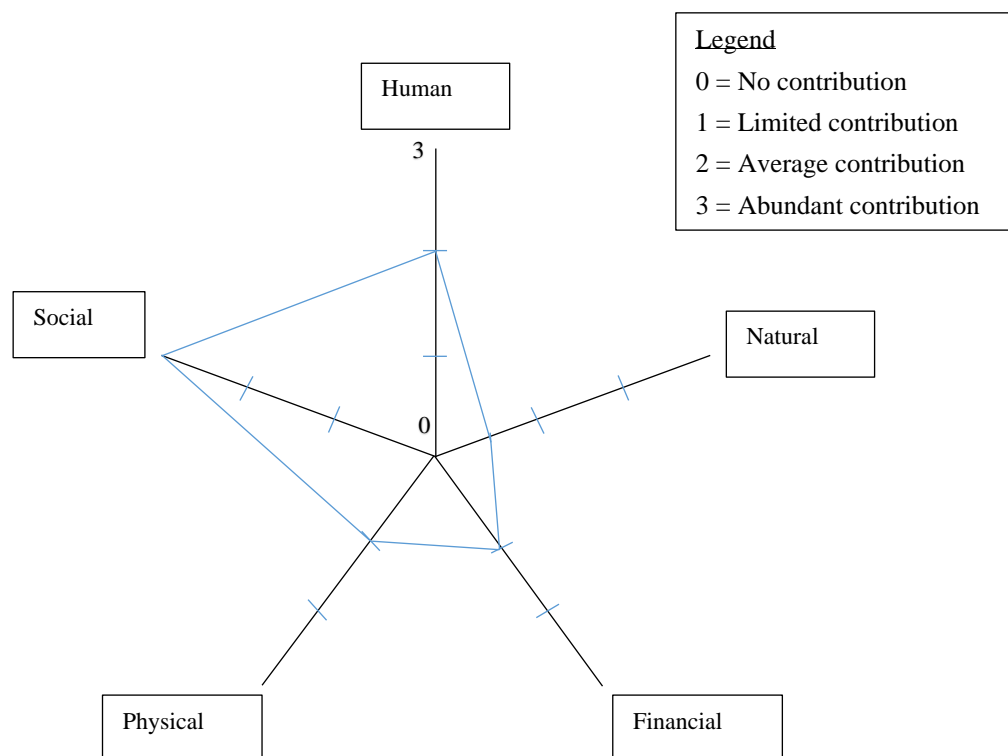


Figure 10: Pentagon of assets displaying extent of impact of land reform on rural livelihoods in Kenya.

5.1 Complexity of Identifying Effects of Land Reform in Kenya

It's not really directly attributable to the law per se.

– Participant #2, April 28, 2020

A notable opinion among most of the interviewees was the difficulty in linking observed changes in sustainability of rural livelihoods to Kenyan land laws, especially due to the recent nature of land law formation and implementation (Participant #5, April 29, 2020). In fact, two of the participants were unable to determine any effects after unearthing broken promises by the national government in devolving the land governance system (Participant #2, April 28, 2020; Participant #6, April 30, 2020). The participants with research backgrounds caution against attributing socio-ecological impacts, such as land dispossession, to a singular mechanism, like land reform, when there are a myriad of other interventions in national and international political economies that affect rural livelihoods (Participant #2, April 28, 2020; Participant #6, April 30, 2020; Participant #11, May 6, 2020).

Most of the interviewees, rather, offered their estimations of potential direct and indirect impacts – both positive and negative – based on what they have witnessed and experienced across levels of interactions with Kenya's land governance system. The geographic scope of the livelihood assets contributed by land reforms are identified in the map below (Figure 9), exhibiting the counties in Kenya where interviewees conducted their research and projects on land law reform and made rough observations about the implications of the land governance system on Kenyan livelihoods. The most referenced counties in the interviews were the arid and semi-arid regions in northern Kenya and the coast in western Kenya, consisting of unregistered communal lands used by pastoralists and other marginalized groups (Participant #6, April 30, 2020). According to the interviewees, the recent land law reform does not affect smallholders involved in export crop production predominantly situated in the fertile regions of central Kenya because their lands were adjudicated as private family titles in the 1960s (Participant #2, April 28, 2020; Participant #11, May 6, 2020).



Figure 11: Map of counties in Kenya with star symbols indicating where interviewees were most active in addressing impacts of land law reform. (source: Wikipedia 2019)

5.2 Community Autonomy and Empowerment over Land

Kenya is a good example of where communities are highly mobilized to secure their lands.

– Participant #6, April 30, 2020

The progressive provisions and principles established by the earlier land law reforms in Kenya, including the National Land Policy (NLP) in 2009 and the Constitution in 2010, were broadly lauded by participants with a practical, non-governmental background. Interviewees highlighted specific aspects in the policies based on principles of social equality, inclusivity, democracy, participation, transparency, and devolution that are plausible factors in the enhancement of rural livelihoods' social and human livelihood assets. Social resources were particularly emphasized by interviewees as a key benefit of the land law reforms, indicated by

a rise in participatory decision making, democratic institutions, and support in land titling from the state and counties. Additionally, but to a lesser extent, a contribution to knowledge on land rights and capacity to govern and manage land corresponded to a rise in human capital. Based on the higher frequency of references to social aspects of benefits to rural livelihoods, social capital represented a three – abundant contribution – in the scale displayed in Figure 8, whereas human aspects were represented as two on the scale denoting an average contribution to sustainable livelihoods.

Instilling participation, legal knowledge and empowerment in land governance

In many of the accounts, public participation was emphasized as a key constitutional principle in Kenya, contributing to the public's ability to voice concerns on land matters to the National Land Commission (NLC), mobilize with other communities, and resist and halt development projects and public land acquisitions (Participant #9, May 4, 2020). Participants from Kenyan NGOs presented cases where public participation by communities thwarted coal production in Lamu county and large-scale farmland investments in Tana county (Participant #4, April 29, 2020). They further claim that community-led termination of development projects across Kenya has partially led to a chain of events involving companies adopting more responsible behaviour towards communities with people-friendly negotiation and consultation practices that not only comply with laws, but, moreover, prevent further conflict over natural resources (Participant #4, April 29, 2020; Participant #9, May 4, 2020). The land law reforms and Kenya's Constitution also motivated these practices with binding provisions "ensuring accountability and transparency when investing in resources" and benefit-sharing at the community level (Participant #7, May 1, 2020; Participant #9, May 4, 2020). Public participation by communities correlate with a rise in public interest cases over land with "very many advocacy avenues that communities have taken up" (Participant #5, April 29, 2020).

Public participation and mobilization are both influenced by and influence a growing awareness among rural livelihoods about their legal rights over land as well as human rights, epitomizing the interconnectedness of human and social capital. Learning one's rights is claimed by four participants as essential for reducing risks from land threats and empowering rural groups to govern land and negotiate directly with potential buyers (Participant #7, May 1, 2020; Participant #6, April 30, 2020; Participant #4, April 29, 2020; Participant #3, April 29, 2020). Another aspect of empowerment that the NLP, Constitution, and the Community

Land Act (CLA) have contributed to rural communities is the capacity of marginalized groups, such as women, informal settlers, indigenous people, disabled people, and youth, to govern land equally among other community members and be treated equally by land authorities. A popular example provided by interviewees was a land law provision obliging public land offices and community land committees to obtain consent from the wife of a household that is selling or buying land, which prevents men from making ill-informed, unjust decisions on land used and managed by women (Participant #7, May 1, 2020; Participant #3, April 29, 2020). This was witnessed by one of the participants at the institutional level when she was a legal advocate on land matters. The land laws also necessitate inclusion of women and the disabled in all land allocation committees: “If this committee does not have women in it, then all the decisions would be considered void” (Participant #3, April 29, 2020; Participant #9, May 4, 2020). Unregistered land occupants are additionally granted land rights, protecting them from mistreatment by state and private development projects that threaten immediate eviction (Participant #9, May 4, 2020). If evictions are necessary, provisions in the CLA prescribe a just process for removing unauthorized occupants off land (Participant #9, May 4, 2020).

Facilitating state and county support on community land registration and autonomy

A major positive outcome of devolution by the Constitution is the increased access among rural communities to financial and physical support from the county and national government. While opinions were mixed on the process of devolution in Kenya, a few of the participants agreed that it has “taken money closer home to communities” and made “many county governments...have a better understanding of community issues,” contributing both financial, physical and human capital to a limited extent (Participant #5, April 29, 2020; Participant #3, April 29, 2020). With devolution distributing larger budgets to counties, the participants claim a higher potential for community issues to be prioritised and addressed. This was observed by a participant during a project where counties were “asking communities what are the priority issues, what they need the most” (Participant #3, April 29, 2020). Two other participants supported this claim with cases where one county recently compensated unregistered landowners affected by a railway project and another county designated county budgets to mapping land boundaries of unregistered lands (Participant #4, April 29, 2020; Participant #9, May 4, 2020). An indirect result of facilitated access to funds and capacity building at the local level is a spur in development of local infrastructure, contributing to a small, potential rise in

physical capital of sustainable livelihoods in Kenya, inter-linked with increased financial and human capital.

Along with the Constitution and the National Land Policy, the land law that most research participants linked to a potential rise in social livelihood assets for rural livelihoods is the CLA that granted full autonomy of public lands to communities, the rightful stewards to ancestral lands illegally acquired by public and private actors. This law builds on the initial recognition of customary land tenure that “is constitutionally granted full equity as legal land class along with private and public land” (Participant #6, April 30, 2020). Many of the interviewees worked directly with pastoralist communities and believed land recognition under the CLA will have a positive impact on most nomadic groups facing risks of landgrabs on insecure communal lands (Participant #7, May 1, 2020). As previously discussed in the literature review, the CLA introduces a bottom-up process of registering both communities and community lands along with a series of progressive provisions on procedures allowing “communities to organize themselves and create some governance structures in which they can protect the land themselves” (Participant #9, May 4, 2020).

The participants underscored the provisions in the CLA that have, in their minds, contributed to sustainable livelihoods, one of which is formation of an elected land committee representative of the full community that collectively administers land for different uses, keeps a community land registry, drafts bylaws on land management and decides on sale or purchase of community land (Participant #6, April 30, 2020; Participant #7, May 1, 2020). The latter task by the committee can only be approved with a two thirds majority of the vote at a community assembly where all community members are involved in the decision-making process (Participant #3, April 29, 2020; Participant #7, May 1, 2020). Another positive outcome of CLA emphasized by participants was the establishment of a specialized land court, known as the Environment and Lands Court, that along with the NLC highly recommends resolving land disputes at the community level in avenues of traditional dispute resolution (Participant #7, May 1, 2020; Participant #9, May 4, 2020). These avenues of decision-making are legally required to be socially inclusive: “It’s made up of all members [over] 18 years old and about 50% women” with additional representation of disabled people (Participant #6, April 30, 2020). Compared to state courts, this form of dispute resolution is culturally appropriate, affordable, non-discriminatory, and timesaving, and, thus, more favourable for rural livelihoods.

The overall positive reactions among research participants on the land reform may indicate that the approach is primarily improving conditions for rural livelihoods, yet several participants in their insights reiterate the early stage of implementation and difficulty in identifying concrete benefits from the land reform with a few scattered incidents. Rather, the participants corroborated the views from the literature review on predicted benefits, such as the increased usage of alternative dispute resolution mechanisms as a result of devolution, the access among marginalized groups to avenues of land governance through the CLA, and the inclusivity of women in community land decisions. In fact, many of these aspects comply with the VGGT guidelines that encourage just compensation, equal and easy access to land courts, support for marginalized groups, and the recognition and legitimization of informal and customary land tenure. However, since it is too soon to determine any benefits from the implementation of land law reforms of rural livelihoods, one needs to be wary in making any abrupt generalizations from participant views.

5.3 Unsustainable Resource Management and Neglect of Financial Support

Autonomous governance over land doesn't ensure sustainable management. – Participant #11, May 6, 2020

Accompanied with perspectives on the beneficial effects of Kenya's land law reform, participants discussed essential elements missing in the implementation of the land laws that may have contributed to structural issues disadvantaging rural livelihoods and constraining their access to and use of land. While some participants perceived a rise in financial and human resources to the community level, several participants identified neglect of substantive support on land titling and management from the county and state to remote rural communities and marginalized groups. The result constitutes a more extensive reduction in physical and financial capital mutually representing a one – limited contribution – in the pentagon of assets in Figure 8. However, natural capital for rural livelihoods was stated by interviewees to be almost entirely disregarded by the implementation process of land law reforms that prioritized the development of local and national economies, rather than the protection and management of a healthy, productive environment for current and future generations of natural resource-based livelihoods. Natural capital, therefore received the lowest score in the pentagon of assets depicted in Figure 8: between zero and one symbolizing limited to no contribution for sustainable livelihoods.

Ostracizes remote and marginalized communities from accessing physical and financial resources

Views among participants on the extent and adequacy of support provided by state and counties on land registration and management were disputed, where some participants recounted cases where state resources were distributed to the community level while others contended with cases of communities facing barriers in obtaining the financial and social support promised by a devolved land governance system. Building on previous comments on the absence of appropriate devolution in Kenya, one participant claims that the decentralized land offices and land procedures are inaccessible at the community level and, thus, “the quest of the aspirations of devolution are still not met because it really doesn’t bring services closer to the people” (Participant #4, April 29, 2020). The factors of barriers for rural livelihoods registering their land is the land laws’ ambiguity in designation of functions, such as mapping land boundaries and drafting bylaws, and deficiency of surveyors and adjudication officers to efficiently register private and community land (Participant #3, April 29, 2020; Participant #4, April 29, 2020; Participant #6, April 30, 2020). Consequently, the outcomes that participants observed involve widespread confusion, inaction and delays in land registration at the county and community levels. When there is a lack of attention by counties on the needs and land issues of rural livelihoods, particularly for communities located outside town centres, then other severe problems may prevail, including unregulated corruption and socio-economic differences, noted by two participants (Participant #5, April 29, 2020; Participant #11, May 6, 2020; Participant #4, April 29, 2020; Participant #7, May 1, 2020).

The minimal concerted efforts of allocating funds to land registration by counties were directed towards creating an online platform for individuals to apply for land titles, accompanied with a fee, and registering private land, which only benefits privileged rural groups that have access to internet and wealth and are centrally located near land offices (Participant #7, May 1, 2020; Participant #3, April 29, 2020). This is unfair to distant and impoverished populations holding limited livelihood assets. Participants also described the inadequacy of county programs on the sensitisation of communities on the land laws: “In the law it states that counties should also sensitise communities from the provisions of the law first before we start registration... But I don't think any county has committed to doing that so far” (Participant #3, April 29, 2020). The interviewees claimed that counties approached awareness creation with a narrow agenda, limited timeframe, and exclusion of remote communities contributing to low representation of communities in county-held sensitisation meetings, lack of information disseminated to the

public on land laws, and slow mapping and registration of community land (Participant #7, May 1, 2020; Participant #3, April 29, 2020; Participant #9, May 4, 2020). The shortage of resources and activity in some counties on land registration leaves a prominent gap in financial, physical, and human livelihood assets.

Stimulates unsustainable management of natural resources and environmental degradation

When asked about the environmental impacts of Kenya's land law reform, the research participants were mostly uncertain, either due to their limited background on environmental issues or the lack of attention on environmental sustainability by the land laws. The latter observation was expanded by a few interviewees as a result of a narrowed focus on economic and social issues. One interviewee explained how there is an inevitable depletion of natural resources in land titling because once communities realize the economic value of publicly acquired lands, "they will call investors and there will be degradation of the land" (Participant #7, May 1, 2020). This is one of the downfalls of a rise in human capital in communities spearheaded by an exploitative state, because it infuses knowledge on ways communities can commercialise natural resources, contributing to a decline in natural capital. An example offered by another interviewee is the attempted restoration of the Mau forest which "has been so incredibly unsuccessful... partly caused by the fact that there was an amalgamation between forest conservation and public land recovery" (Participant #11, May 6, 2020). Furthermore, she adds that if the state does not regulate land use or incentivizes sustainable land management, registered landowners "can do whatever [they] want and because there are no regulations about what you do on the land, people sometimes really do it badly" (Participant #11, May 6, 2020).

The land laws are perceived to have possibly exacerbated the depletion of natural resources by assigning county governments as trustees of public land before community land is registered, allowing elite capture¹ and the ability for companies to negotiate with and buy public lands from counties. In fact, participants observed a rise in companies negotiating with counties culminating in a lack of transparency, land dispossession and commodification, and "an implication on a safe environment" (Participant #4, April 29, 2020). Another indirect effect on natural capital for rural livelihoods is a rise in land conflicts from land titling which is an anomaly the land law reform did not address. A participant that actively works with conflict resolution at the community level observed this phenomenon, explaining further that the

¹ Elite capture is defined by Dutta (2009) as a situation where specific parts of local populations "experience reduced access to public goods" compared to corrupt, powerful authority figures at micro scales.

mapping of land boundaries often erupts in contestation among neighbouring rural groups over land rights (Participant #7, May 1, 2020).

A potential factor for the indirect contribution to environmental degradation is the land reform overlooking the diversity of community views, interests, and general characteristics, based on respective cultural and geographical differences. It rather assumes Kenyan communities as an undifferentiated, uniform mass that collectively prioritise sustainable land management. The interviewees support this claim with evidence on observed discord within communities on land boundaries, women's right to inheritance, and land use (Participant #9, May 4, 2020; Participant #11, May 6, 2020). A final factor suggested by a participant with a socio-environmental background is the land law reform's promotion of a "western model of land property [that] leads to an amalgamation of land in the hands of those capitalists who understand the value of land titles" (Participant #11, May 6, 2020). If most of Kenya's land is controlled by state and private actors that aim to individualize and privatize natural resources for commercial use, unsustainable management of natural resources will likely pervade rural livelihoods.

The insights of research participants on the factors of land law reform that impeded access to sustainable livelihoods builds on the discussion in the literature review pertaining to minimal access to state support at both community and county levels, indicating that even after 10 years, devolution is still not achieved at the levels where land issues are most dire. Deficiencies in county capacities was another common factor identified by scholars in the literature review and research participants. However, the participant views significantly contradict references in the literature review to the obligations in land policies for communities to sustainably and productively use natural resources. Environmental incentives of land governance and management may have been emphasized in the text of the laws, but it's unlikely if it was applied through any mechanisms.

5.4 Mechanisms in Benefit Flow to Sustainable Livelihood Assets

There are some counties that have done a bit more than others. And then this is also quite circumstantial to the activities that are happening within those counties.

– Participant #5, April 29, 2020

Often dismissed in applications of the SLF is a further examination of the key mechanisms directing the flow of benefits from transforming structures and processes to rural livelihoods, which the theories of access and political ecology introduce to the data analysis. The most influential mechanisms are diverse interests and roles of actors driving the implementation of land law reforms which will be discussed in depth in chapter 7. Nonetheless, in addition to actors' influence, several participants identified the commercial value of natural and physical capital as a significant mechanism in the flow of livelihood benefits. Interviewees described cases of counties, such as Turkana, Kwale, Lamu, Narok, and Nakuru, that are allocated a disproportionately higher budget by the state based on the presence of profitable resources such as oil, coal, minerals, infrastructural projects, nature reserves, and horticulture. Consequently, the types and amount of natural and physical capital in each county are an instrumental factor in the extent of livelihood assets available to rural livelihoods depending on their contribution to Kenya's economic sectors, such as tourism, agriculture, energy, and infrastructure development.

Other mechanisms of benefit flow mentioned by participants are "the aggressiveness from communities," alluding to a bottom-up mechanism in flow of livelihood assets. Counties characterised by an exceptional amount of historical marginalization were claimed to receive more attention as well, tied to the initial purpose of the Constitution and NLP to benefit marginalized groups, such as pastoralists, by taking communal land "away from the central government [and] vest it in communities" (Participant #2, April 28, 2020; Participant #4, April 29, 2020). Lastly, global disasters, such as, the recent pandemic of COVID-19, has been suggested to be a crucial factor on the extent of livelihood assets available for rural communities, essentially incorporated and addressed in the SLF.

5.5 Summary and Concluding Remarks

The comments by the research participants cumulatively pinpoint the livelihood assets that may have been strengthened and weakened, partly due to provisions of land law reforms and their implementation across national, county, and community scales. The human and social livelihood assets were indirectly strengthened based on an observed rise in autonomy and empowerment among rural communities in northern and eastern Kenya. On the other hand, the natural, financial, physical, and human livelihoods were weakened accounting for the observed lack of attention by implementation processes on incentives for sustainable land management among registered landowners and absent support for sensitisation of land laws and land

registration at decentralized levels. According to the vision of SLF, for rural livelihoods to be fully sustainable, the weakened livelihood assets demand immediate attention by state and county actors executing the implementation of land law reforms. But according to the theories of political ecology and access to resources, it is not that simple when considering the external mechanisms contributing to outcomes from different angles, overall requiring a substantial amount of resources that many county governments lack. If the mechanisms on benefit flow are not sufficiently addressed, questions emerge on the ability of land law reforms to adequately reverse the adverse effects on the conditions for rural livelihoods.

With the added threats on the economy and human health, there is now a renewed sense of urgency for community land registration after interviewees observed more “invasions on community lands...because the ministry of land has closed shop” and predicted a “stronger private sector coming in” to recover the economy. As a result, they perceive a rise in land tenure insecurity threatening the livelihoods of the most vulnerable groups. In the impending 10-year review of the land reform planned for this year, it is imperative that the insights of Kenyan NGOs and researchers on the observed and predicted impacts of land reform and associated mechanisms on the sustainability of rural livelihoods are acknowledged and addressed by the Kenyan state.

6 Implications of Contract Farming on Sustainable Livelihoods

A second set of findings from a series of interviews with researchers in educational institutions and practitioners in Kenyan NGOs addressed the second research question on how contract farming projects in Kenya have altered the sustainability of rural livelihoods. The research participants expressed their views and observations on impacts from four specific case studies of out-grower schemes producing avocados, tea, and poultry across central and western Kenya. Figures 11 to 14 plot the extent of livelihood assets contributed by the individual out-grower schemes while Figure 10 depicts the average results of the extent of assets that all out-grower schemes contributed to out-growers. The cumulative scoring tables for the four selected out-grower schemes and the average result for contract farming in this research is attached in Appendix 2. Ergo, the first step of the integrated conceptual framework in identifying and mapping the flow of benefits from out-grower schemes to rural livelihoods accessing and using land is illustrated through the pentagon of assets.

In sum, there is a below average contribution of out-grower schemes to human, natural, financial, physical and social capital based on cumulative observations on the rampant disadvantages for out-growers caused by the schemes' exclusivity of benefits to wealthy smallholder farmers, opaque top-down processes and decisions, and neglect of adequate financial support. Despite the positive impacts on out-growers noted by participants, such as sustainable land management, financial inclusion, and cooperation, which were mainly identified in the tea out-grower scheme, the negative aspects were more perceptible at the community level. Moreover, the research participants illuminated several internal and external drivers controlling the flow of benefits to livelihood assets and generating these outcomes, including types of product and labour, scope of farmers and their wealth, as well as global market conditions. The main takeaway is that the extent of and nature of implications on out-growers is dependent on the unique context of the schemes, but overall is currently insufficient to be considered beneficial to sustainable livelihoods.

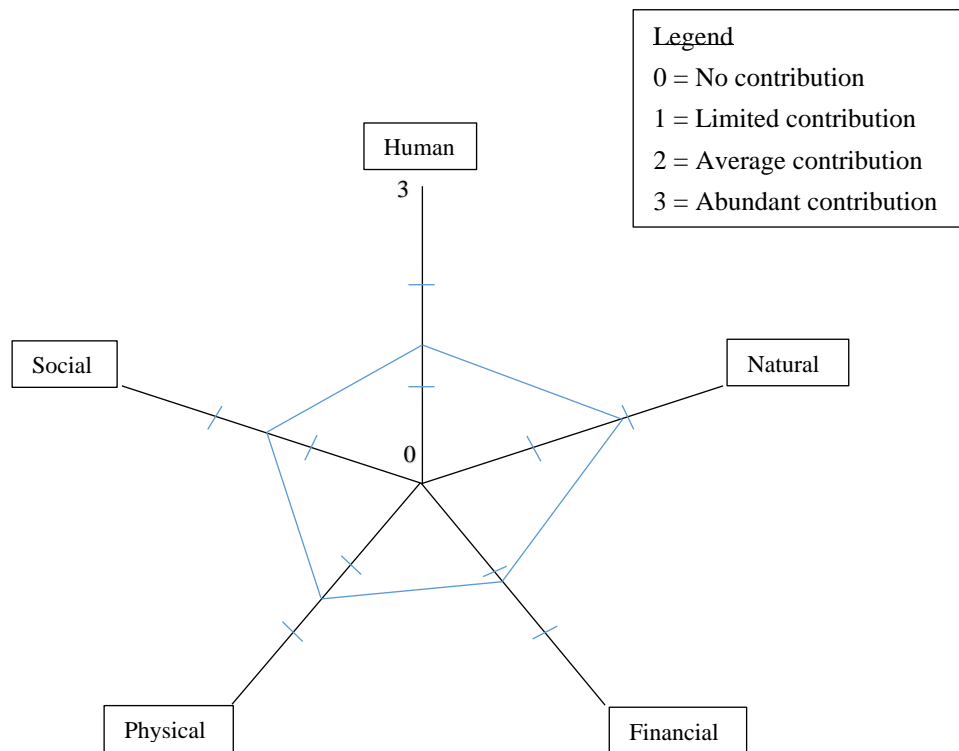


Figure 12: Pentagon of assets displaying average results of four selected out-grower schemes.

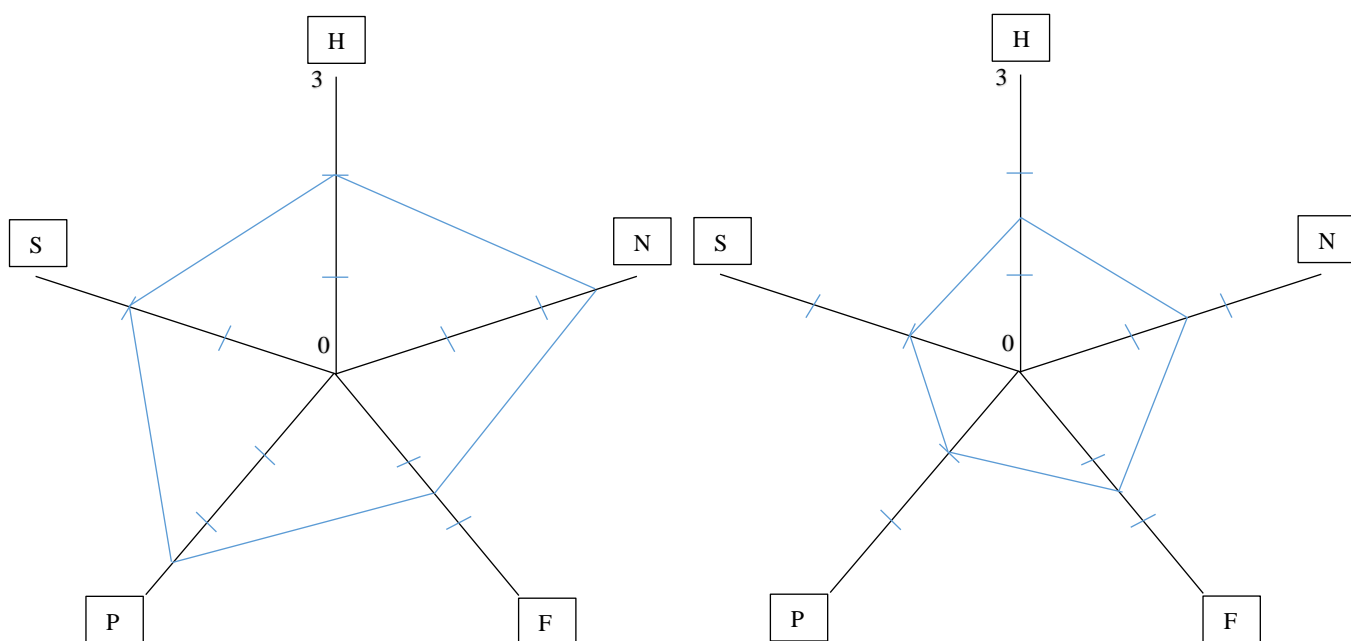


Figure 14: Pentagon of assets for tea out-grower scheme in Kericho.

Figure 13: Pentagon of assets for tea out-grower scheme with Kenya Tea Development Agency (KTDA).

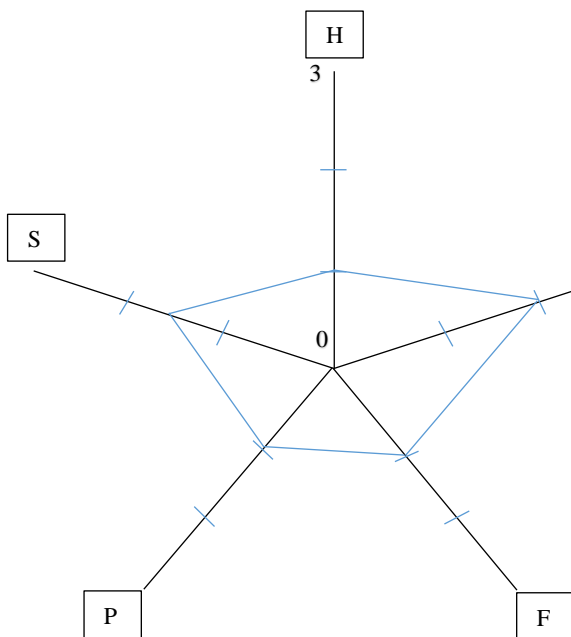


Figure 15: Pentagon of assets for avocado out-grower scheme in Kandara.

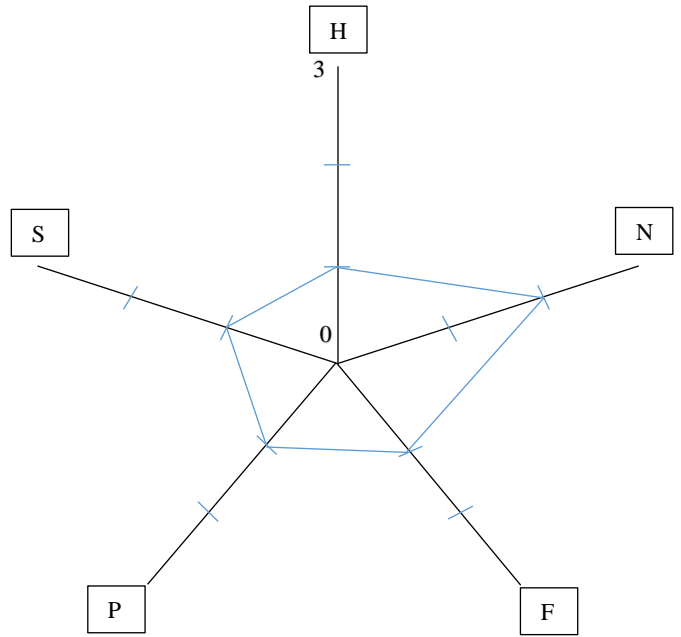


Figure 16: Pentagon of assets for poultry out-grower scheme in Nakuru.

6.1 Conceptualisation, Trends and Background of Selected Out-grower Schemes

Almost everybody is connected to farming in one way or another.

– Participant #8, May 4, 2020

When participants started describing their views of contract farming, a widespread uncertainty emerged around the muddled concept of contract farming and out-grower schemes. The literature review may have discussed the contestation over the viability of the private institutional arrangement, but the interviews demonstrated how the multiple, varied definitions of contract farming contribute to determining an individual's perspective, which is rooted in their interactions with the overarching topic. One participant's definition is quite vague, defining an out-grower scheme as "some kind of large production body that then sourced additional tea outside" (Participant #1, April 28, 2020). This definition is developed further by another participant from a Kenyan smallholder-focused NGO: "Contract farming is on the basis of some out-grower schemes where farmers are provided with the inputs on the

assumption or the understanding that they then sell back or provide back the produce to that contractor or agricultural company” (Participant #8, May 4, 2020).

Despite the comparability of the latter definition to the established definition in the literature review, the participant’s view concurred with the first participant’s ambiguous definition associating large estates with out-grower schemes. The other participant offered similar examples, such as large sugar, coffee and tea plantations, in order to support the notion that the Kenya Tea Development Agency (KTDA) is not an out-grower scheme (Participant #1, April 28, 2020). Further statements of the participants indicate that they have a narrow scope of what constitutes an out-grower scheme assumed to be a case where “farmers are required to send a certain amount to [a] factory” which contradicts the definition in the literature review that purport the presence of a diverse set of contract farming models that involve both tight and loose contracts (Participant #1, April 28, 2020). The consequences of broad or narrow definitions among research participants is their influence on the type of responses or insights provided which crucially depend on whether they perceive out-grower schemes to be limited to a particular set of outcomes if there is only a single business model or acknowledging the broad range of outcomes that could emerge if there are several types of business models that apply to contract farming.

Regardless of the confusion over the definition of contract farming, the research participants presented and described in depth their observations and experiences with four different out-grower schemes across central and western Kenya (locations depicted in Figure 15). Other schemes were mentioned briefly by participants to support statements on positive and negative implications. Two of the presented out-grower schemes are for tea production, a recognized export crop in Kenya, while the other two are for avocado and poultry production. One of the tea out-grower schemes is located in Kericho county and run by a multinational tea company that buys tea from around 9,000 smallholder farmers through an out-grower organization formed in 2008 (Participant #1, April 28, 2020). The other tea out-grower scheme is linked to the KTDA, which was described in the literature review as the largest out-grower scheme in Africa buying tea from hundreds of thousands out-growers that are collected and processed in KTDA’s 60 factories across Kenya (Participant #1, April 28, 2020). The avocado out-grower scheme is in the town of Kandara, located in Muranga county and the contract is between smallholder farmers, a producer association, and an exporter (Participant #10, May 5, 2020). The poultry case study is likely the smallest out-grower scheme out of the four, located in

Nakuru county where smallholder farmers produce meat for hotels and large markets in the touristic area (Participant #12, May 7, 2020).



Figure 17: Map of counties in Kenya with star symbols indicating where discussed out-grower schemes were/are located. (source: Wikipedia 2019)

A common characteristic for all the schemes is the use of an intermediary and informal contract farming business model, in which the intermediary organisation is a producer association and contracts between the investor and farmer are generally loose, indirect and simple, solely stating “they gave them inputs and they get products at certain price” (Participant #1, April 28, 2020; Participant #8, May 4, 2020; Participant #10, May 5, 2020; Participant #12, May 7, 2020). In regards to land ownership, the land used for export crops in these schemes were owned by the individual out-grower households holding “standard freehold land titles” issued by the government in the 1960s, so “it didn’t really come up that there were any issues around unclear or insecure land ownership in [these] areas” (Participant #1, April 28, 2020). The schemes were also composed of smallholder farmers who were mostly men, explained by one

of the participants as a result of embedded gender roles in farming communities: “Men would probably most likely take care of [export crops for] out-grower schemes and women are the custodians of food... because men generally try to avoid the hard work [of] the food crops [that] are a lot more time consuming” (Participant #8, May 4, 2020). The participants alluded to the economic motivations of smallholder farmers in engaging with out-grower schemes compared to individually supplying their produce to traders:

When they enter into contracts, they are assured of selling their produce, which means it also improves their access to income at least they have a regular income source. They are sure they can get their income from the sale of their produce. And they can also have access to inputs. And that means that they're able to improve their productivity. (Participant #10, May 5, 2020)

This statement is comparable to the views of contract farming advocates in the literature review on the “win-win scenario” of out-grower schemes intended to distribute production and marketing risks equally and reduce the vulnerability of farmer income to local price fluctuations (von Braun and Meinzen-Dick 2009).

6.2 Contribution to Environment, Economy, and Social Progress

People are very aware that you shouldn't be seen drying up water sources, so I think that has become a success.

– Participant #1, April 28, 2020

In the selected out-grower schemes, there appeared to be contributions to all livelihood assets at varying degrees depending on the respective characteristics of each scheme. Natural capital was identified as the most enhanced asset supported by a few references among participants on the rise of sustainability certifications, particularly for tea out-grower schemes, that increase out-grower’s awareness of the value of a healthy environment for agricultural production. The allotment for the selected out-grower schemes’ contribution to natural capital in Figure 10 were, therefore, around two – an average contribution. I would like to reiterate, however, that these allocations are indeterminate and based on the limited environmental knowledge of most research participants who primarily researched or worked on social and economic implications of out-grower schemes. The other positive implications of out-grower schemes discussed by participants contributed to a limited rise in financial, social, physical and human livelihood assets predicated on the schemes’ provision of inputs and trainings, inclusive cooperative structures, and flexibility in contracts allowing farmers to supply multiple buyers. While these

contributions were minimal compared to the problematic aspects of out-grower schemes, they prevented allocations of below one – limited contribution – for all out-grower schemes depicted in Figure 10.

Encourages sustainable management of natural resources and financial inclusion

Out of the four out-grower schemes presented by the research participants, none contributed to a significant depletion of natural resources but rather made out-growers more environmentally conscious and aware of the “value of preserving environments for future generations and for the future viability of the [economy]” (Participant #1, April 28, 2020). Two of the participants discussed cases where out-grower schemes for tea and macadamia nuts incorporated sustainability certifications in their business models which restricted the use of artificial fertilisers, banned chemical inputs, and promoted organic production practices such as inter-cropping (Participant #1, April 28, 2020; Participant #10, May 5, 2020). The tea out-grower scheme in Kericho was, in fact, certified by the Rainforest Alliance, which the participant explained was a popular sustainability certification among tea farmers in Kenya, as a result of a “commitment by Unilever...a huge buyer... to only purchase Rainforest Alliance certified tea” (Participant #1, April 28, 2020). The consumer demand for sustainably certified products have, thus, incentivized out-growers to conserve water and soil resources and to “offset the potential for economic, environmental and social damage” (Participant #8, May 4, 2020).

Along with enforcement of sustainability standards, participants described how the out-grower schemes granted farmers the freedom to sell their produce to multiple buyers. This contradicts the cases mentioned in the literature review where buyers in contract farming schemes control the land use of farmers in tight contracts, forbidding them from side selling to other buyers. On the contrary, most out-grower schemes in Kenya adopted flexible contracts that don't tie farmers to a single buyer nor a required amount of produce. For example, in the tea out-grower scheme in Kericho “many of those farmers were also selling to KTDA and other multinationals and also private factories” and in the avocado out-grower scheme, farmers were also selling their produce to informal markets (Participant #1, April 28, 2020; Participant #10, May 5, 2020).

An essential component of out-grower schemes that contributes to farmers' financial and physical capital is the access to credit, inputs and markets that help them cope with “household income shortages,” particularly related to school fees (Participant #12, May 7, 2020). The

KTDA and the out-grower association have facilitated financial inclusion by forming a savings and credit cooperative that crucially offers loans to farmers along with paying farmers a lump sum that is generally favoured by farmers... because it can immediately be spent on school fees (Participant #1, April 28, 2020). The poultry out-grower scheme also offered loans and supplied inputs to out-growers at the beginning of the contract (Participant #12, May 7, 2020). For the avocado out-grower scheme, the participant described how the exporter provided farmers necessary inputs to “graft their avocado to produce the modern grafted varieties... which have a better price” as well as how the producer association connected farmers to credit organisations and financial institutions (Participant #10, May 5, 2020). In fact, the multinational tea company for the out-grower association in Kericho has taken the extra step of implementing “premium projects” that develop local infrastructure for the out-grower communities (Participant #1, April 28, 2020).

Fosters cooperation, equality, and knowledge

The intermediary models these out-grower schemes adopted are based on cooperative structures that help address local needs, enforce equality, build capacity and empower out-growers to mobilize and participate in decision-making. Consequently, the incorporation and engagement of more smallholder farmers in the out-grower scheme’s value chain contributes to improvements in product quality that allows all actors to reap financial awards. This is exemplified in the tea out-grower scheme in Kericho which is organized into four cooperatives “partially funded by the company itself” making it possible for a large number of out-growers to effectively “organize and govern” the different tea-growing areas (Participant #1, April 28, 2020). The producer associations in the tea and avocado out-grower schemes were intended to be inclusive of all farmers able to pay membership fees. The limited requirements for joining these out-grower schemes have indirectly contributed to income and gender equality in farming communities, noted by one participant who observed “quite a lot of improvement... in terms of inclusion of women in these projects” (Participant #10, May 5, 2020).

In all four selected out-grower schemes, the buyers developed platforms for capacity-building among cooperatives offering out-growers voluntary trainings and workshops on various issues related to agricultural production, such as sustainability, gender, and health. The tea out-grower association and KTDA held farmer trainings and field schools in Rainforest Alliance certification, fertilizer application, tea production, gender-based violence and HIV/AIDS

(Participant #1, April 28, 2020). In the avocado and poultry out-grower schemes there were primarily trainings on production quality led by agricultural extension workers aiming to “provide information to the farmers, provide advice for the farmers, [and ultimately] to educate farmers” (Participant #10, May 5, 2020; Participant #12, May 7, 2020). The combination of knowledge creation among out-growers – human livelihood assets – and mobilization of out-growers in cooperatives – social livelihood assets – empowers smallholder farmers in a value chain mostly dominated by powerful investors.

Although, the collection of benefits contributed by the selected out-grower schemes to rural livelihoods aren’t representative of all contract farming projects in Kenya, they demonstrate the potential of contract farming to provide the essential tools and avenues for smallholder farmers to access and control the use of natural resources. The tea out-grower scheme in Kericho is, hence, highlighted as a successful model that has not only enhanced the livelihoods of out-growers but also the farming communities through its contribution to local infrastructure, conservation of natural resources, and economy.

6.3 Impediment in Empowerment, Inclusivity, and Financial Support

Right now, there's a lot of people and farmers who are really pushing back against this contracting business model just because they're not reaping the financial rewards.

– Participant #8, May 4, 2020

Despite the observations of benefits from the four out-grower schemes, the negative outcomes were accentuated by the research participants. With the tea out-grower scheme as an exception (Figure 11), the human, social, and physical livelihood assets had a limited to average contribution in the avocado, poultry and KTDA cases (Figures 12-14), indicating a prevailing weakened state for rural livelihoods engaged with these schemes. A common result for all out-grower schemes was a noticeable decline in contribution to financial livelihood assets, making it the most prominent adverse impact on livelihoods, illustrated in Figure 10. Research participants supported these arguments with specific aspects observed from selected and other cases of out-grower schemes that disadvantage smallholder farmers and impede their ability to derive benefits from land. The key mechanisms discussed are the schemes’ exclusion of poorer farmers, indebtedness, miscommunication on quality standards, unregulated behaviour, vulnerability to price fluctuations, and the neglect of direct financial support during crises. The selected schemes’ impediments in empowering and supporting out-growers underscores the

essential elements necessary for an abundant contribution to the sustainability of out-grower livelihoods which contract farming projects with similar characteristics and contexts are urged to consider.

Excludes poor farmers and leaves out-growers unaware of value chain processes and investor decisions

The findings from the case studies reveal the exclusion of farmers with low acreage – demonstrating inter-linkages with land reform – and wealth in out-grower schemes corroborating the critical views in the literature review describing contract farming as an unfeasible arrangement for small-scale farmers. One of the participants personally attests to this argument after a failed attempt to engage in a sorghum out-grower scheme in Kenya which was limited to farmers possessing a minimum of 50 acres of land (Participant #3, April 29, 2020). Among the selected cases, the research participants interacting with the avocado and poultry out-grower schemes identified homogenized membership of producer associations and schemes because the “rich farmers self-select themselves” (Participant #10, May 5, 2020; Participant #12, May 7, 2020). This was strikingly evident in the poultry scheme that initially requires farmers to have the necessary infrastructure to house and harvest the chickens (Participant #12, May 7, 2020). Correspondingly asserted by scholars in the literature review, the outcome is a widened income gap “making the rich richer at the expense of the poor” (Participant #12, May 7, 2020).

The buyers in the KTDA-related, avocado, and poultry out-grower schemes actively eroded financial and human assets of out-growers by not being fully transparent and communicative to farmers on the terms of the contracts and business processes. In addition to the obscure partnerships as identified in the literature review, these schemes were characterised by debts, embezzlement, poor timekeeping, and capacity gaps that cumulatively contributed to the rejection of out-growers’ products and the buyers’ refusal to pay farmers. This disadvantageous process is epitomized in the out-grower scheme with KTDA which several smallholder farmers have recently left because of the recurrent outcome of out-growers waiting long hours at tea collection points to ultimately get “their leaf rejected because it just deteriorated too much” (Participant #1, April 28, 2020). A similar outcome was found in the avocado out-grower scheme where avocados were often rejected because of unclear quality standards set by the exporter that were never communicated to out-growers (Participant #10, May 5, 2020). Other aspects of the contract, such as prices, were neither communicated in the other schemes partly

due to the intermediary nature of contracts solely being negotiated between the buyer and the producer association, rather than the buyer and farmers directly (Participant #1, April 28, 2020; Participant #12, May 7, 2020).

The farmers were left feeling “a little bit out of control,” unable to access information about quality standards from unresponsive buyers to explain the frequent rejection of goods as well as the management of finances (Participant #1, April 28, 2020; Participant #10, May 5, 2020). In the tea out-grower schemes with KTDA and in Kericho there was a recent suspicion among farmers “that money was being embezzled at the level of the umbrella organization,” prompting concerns among out-growers on the reliability of the scheme’s cooperative structure. These suspicions build on news from four to five years ago recounted by one of the interviewees about the failure of large sugarcane out-grower schemes in Kenya that were unable to “buy back what they had contracted” due to significant debts and corruption (Participant #8, May 4, 2020). In culmination, the incomes of out-growers have deteriorated considerably, eroding farmer’s trust in out-grower schemes controlled by unreliable, exclusive and powerful buyers.

Shifts costs to farmers and inhibits adequate financial and physical support for resilience livelihoods

The literature review on contract farming established the tool’s intentions of sharing the production and marketing costs and risks between buyers and farmers, which the research participants contend based on outcomes of the selected out-grower schemes. A widespread concern among out-growers currently is their vulnerability to the sharp decline in global prices for agricultural products and imminent economic threats of locust swarms and economic recessions precipitated by the COVID-19 pandemic (Participant #1, April 28, 2020; Participant #8, May 4, 2020; Participant #11, May 6, 2020). Up to the point of data collection, participants observed that the financial burden of these shock events are mostly borne by the farmer while the buyer withholds direct financial support for out-growers to cope with the production costs (Participant #1, April 28, 2020; Participant #12, May 7, 2020). This is further substantiated in an incident in the poultry out-grower scheme where the participant spoke to “a farmer that had lost almost all his chicken and... the company did not come [to help]” but rather continued charging the farmer for inputs, shifting the cost to a poor farmer who already faces unpredictable, day-to-day risks in farming activities (Participant #12, May 7, 2020).

Another common perception of the interviewees, comparable to arguments in the literature review, is the absent direct financial and physical support from buyers and government bodies. Several participants recognized government's crucial, yet disregarded role in regulating the behaviour of private actors, exacerbating financial and human health conditions in farming communities regarding income and food security. Participants note this in the correlated rise of income reductions among out-growers, a "proliferation of private factories and weakening of some regulatory bodies" as well as lack of government extension services at the village level (Participant #1, April 28, 2020; Participant #8, May 4, 2020; Participant #12, May 7, 2020). Even if buyers or governments supply inputs and offer trainings for out-growers, their urgent financial needs like school fees and poor local infrastructure are typically disregarded (Participant #1, April 28, 2020; Participant #10, May 5, 2020). Two participants assert the risk of food insecurity that some out-grower schemes pose on farmers through the extensive land demand of export crops, supported with an example of sugarcane that "takes about 18 months to mature," and therefore takes up land that could otherwise have been used for other crops with subsistence or commercial purposes (Participant #8, May 4, 2020; Participant #11, May 6, 2020).

The comparability between findings of negative outcomes in the four out-grower schemes and the scholarly views of weaknesses and risks of contract farming indicate the danger posed by this private institutional arrangement for rural livelihoods. The approach of contract farming may not involve direct land dispossession and is an opportunity to incentivize farmers in sustainable resource management practices, yet it still implies threats on other essential livelihood assets in farming communities, recognized in the literature review as "adverse incorporation" (Hall *et al.* 2015). Loopholes in out-grower schemes allow buyers to use alternative means of dispossession such as centralization of financial management, top-down decision-making, and a disproportionate allocation of risks, particularly from international price fluctuations. However, the imperative tool determining the nature of outcomes and extent of contribution to rural livelihoods are contracts that have also been used in these schemes to disadvantage out-growers, making it double-edged. While the loose and flexible nature of these schemes' contracts was claimed to benefit rural communities by allowing financial freedom among out-growers, they also allow irresponsible behaviour among buyers that are not held accountable or regulated by contracts nor governmental regulatory bodies. Thus, the locus of contestation in these schemes is found in the contract making it a decisive mechanism that different stakeholders use to control the flow of benefits to livelihood assets.

6.4 Mechanisms Controlling Benefit Flow to Livelihood Assets

Speaking of it almost as a cause and effect...is impossible because there's so many intervening factors.

– Participant #11, May 6, 2020

There is an array of mechanisms internal and external to out-grower schemes that along with the roles and interests of actors – explored further in the next chapter – contribute to outcomes for rural livelihoods. These are typically the other “intervening factors” not necessarily related to the intentional conduct of out-grower schemes, that one needs to acknowledge when conducting livelihood impact assessments. The participants referred to a set of influential factors for the extent of livelihood assets among out-growers in the selected schemes including **product type, amount and wealth of out-growers, title deeds, trading conditions, informal markets, and the presence of unions**. The type of agricultural product typically determines the extent of natural livelihood assets as is the case for the poultry out-grower scheme which has an average contribution to natural capital as a result of poultry not being a big environmental pollutant: “It is not soil intensive, it is not water intensive, it is not land intensive” (Participant #12, May 7, 2020). The minimal local environmental damage of poultry is in sharp contrast to the horticultural production in Naivasha basin frequently mentioned by many of the interviewees as an example of a scheme that depletes the soils and pollutes the groundwater with pesticides (Participant #11, May 6, 2020). Another participant suggests that the environmental issues associated with flower farms in Kenya are a result of the large size of the schemes requiring not just more land and pesticides but facilities to process the flowers, exploiting more natural resources (Participant #12, May 7, 2020).

The horticultural schemes in Kenya are also recognized for their social issues related to the low pay of workers and “questionable levels of support and protections for workers in those sectors” (Participant #8, May 4, 2020). This is where the absence of unions could have a significant influence in the poor conditions of rural livelihoods engaged in horticulture. In the tea out-grower schemes, particularly with KTDA, the presence of strong unions for tea pluckers have contributed to out-growers being paid “relatively well compared to other forms of agricultural labour” (Participant #1, April 28, 2020). The wealth of the farmers has also been pertinent to not only their eligibility to the schemes but, moreover, their ability to cope with external stressors. In the poultry out-grower scheme, the majority of the out-growers were able to join the scheme because of off-farm income providing them base assets to enter an out-

grower scheme demanding special infrastructure (Participant #12, May 7, 2020). Whereas in the tea out-grower schemes, tea is often the most profitable source of income for out-growers and there are limited alternatives for rural livelihoods to fall back on during periods of distress, related to price fluctuations and weather disturbances (Participant #1, April 28, 2020).

Other base assets such as high acreage of land for cultivation and title deeds determine how much a farmer can deal with crop losses that for a smallholder farmer with a few acres of land and limited access to credit would cause significant damage to income (Participant #8, May 4, 2020; Participant #12, May 7, 2020). Changes in international trading conditions exacerbate these losses while informal markets, such as the one in the avocado out-grower scheme, support out-growers by offering a reliable, yet limited source of income for avocado producers compared to contract farming (Participant #8, May 4, 2020; Participant #10, May 5, 2020). If these other factors are disregarded by stakeholders in out-grower schemes, then progress will be remarkably constrained and problems of exclusion, pollution and poverty will prevail in Kenya's farming communities.

6.5 Summary and Concluding Remarks

With the threat of the locust outbreak and its repercussions for the ability of rural livelihoods to reap benefits from their land, contract farming in Kenya has a crucial role in providing the necessary support and tools to adapt to a rapidly changing natural, social and economic environment. The selected out-grower schemes have demonstrated that contract farming can contribute to both worsened and improved conditions for out-growers, depending on the nature of partnerships, level of support and cooperation among farmers, buyers, intermediary organisations, and governments as well as the mutual consideration of external mechanisms affecting the outcomes for out-growers. But with the impediments outnumbering the contributions of these schemes to livelihood assets, many participants call for amendments to contracts addressing concerns of farmers and adhering to the UN principles of transparency, gender equality, inclusivity, empowerment, participatory decision-making, accountability and sustainable development, which could help reverse the negative trend for a large proportion of Kenya's impoverished rural population. Nonetheless, with the unique socio-economic and environmental context and substantive differences in characteristics of each out-grower scheme, it is not possible to determine the overall success of contract farming in facilitating access to and use of land for rural livelihoods. Rather, the participant views on the implications

of tea, avocado and poultry out-grower schemes on smallholder farmers in central Kenya provides critical insights on contract farming trends and suggest issues the schemes can prioritise to ensure equitable benefit sharing among stakeholders.

7 Roles of Actors and Success of Outcomes in Approaches to Sustainable Livelihoods

The data analysis on land reform and contract farming crucially indicated a variety of diverse agents shaping the outcomes of mechanisms and contributing to changes in the conditions for rural livelihoods, which were investigated and described in the previous chapters. The results for the first part of the third research question are illustrated in two diagrams integrating components of the Sustainable Livelihoods Framework (SLF) and the theories of political ecology and access that emphasize the examination of the “range of powers” from local to international scales (Ribot and Peluso 2003). Figures 17 and 18 amasses and plots the actors influencing and influenced by land reform and contract farming in Kenya that have either or both contributed to and/or impeded the livelihood assets situated at the core of the diagram.

Conveyed in the micro scales (community and county) are power asymmetries within households, communities, and county governments dependent on capitalist interests and historical discord that impeded or reduced the magnitude of livelihood assets. On the other hand, innovative non-governmental organisations and individual leaders on these levels, including county governors and chairmen of producer associations, were perceived as the key agents contributing to livelihood assets. The macro scales (national and international) were characterised by a concentration of state and private actors with profit-making motives for land reform and contract farming, except for sustainable certification schemes motivating growth of natural capital among rural livelihoods.

In the context of change-making agents and the nature of outcomes they have partially influenced, a toolset for successful approaches to sustainable livelihoods was devised, responding to the second part of the research question. Participant views of aspects and outcomes of contract farming and land reform that are successful for rural livelihoods were synthesized into five common components of success. These were relevant to principles in international agreements on land governance and investment, involving awareness creation, capacity building, equality, transparency, benefit sharing, trust, symbiosis, cooperation, and just compensation. The essential components of approaches for sustainable livelihoods defined by international and Kenyan researchers and practitioners inform the conclusion of the research illuminating the adequacy of these approaches to sustaining rural livelihoods.

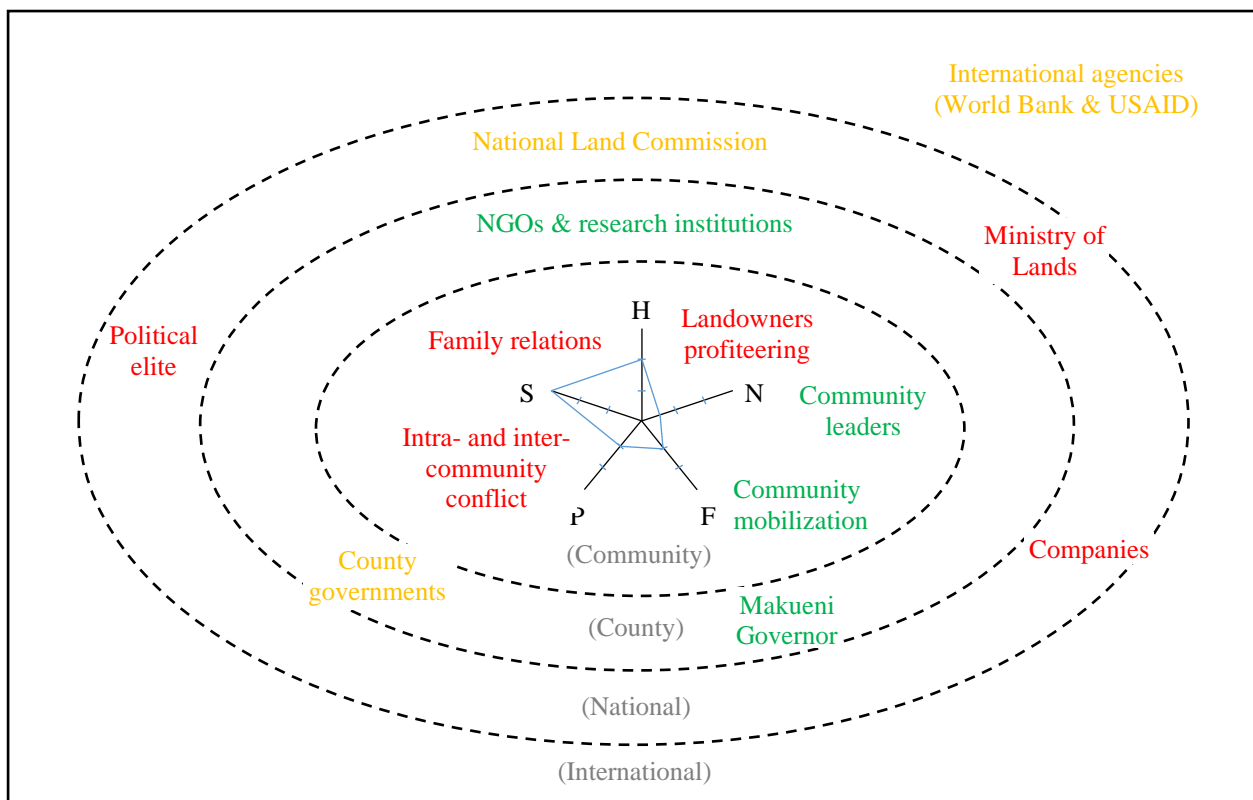


Figure 18: Actors in land reform affecting the extent of livelihood assets (red: impedes assets; green: contributes to assets; orange: contributes to and impedes assets) across local, regional, national and international levels.

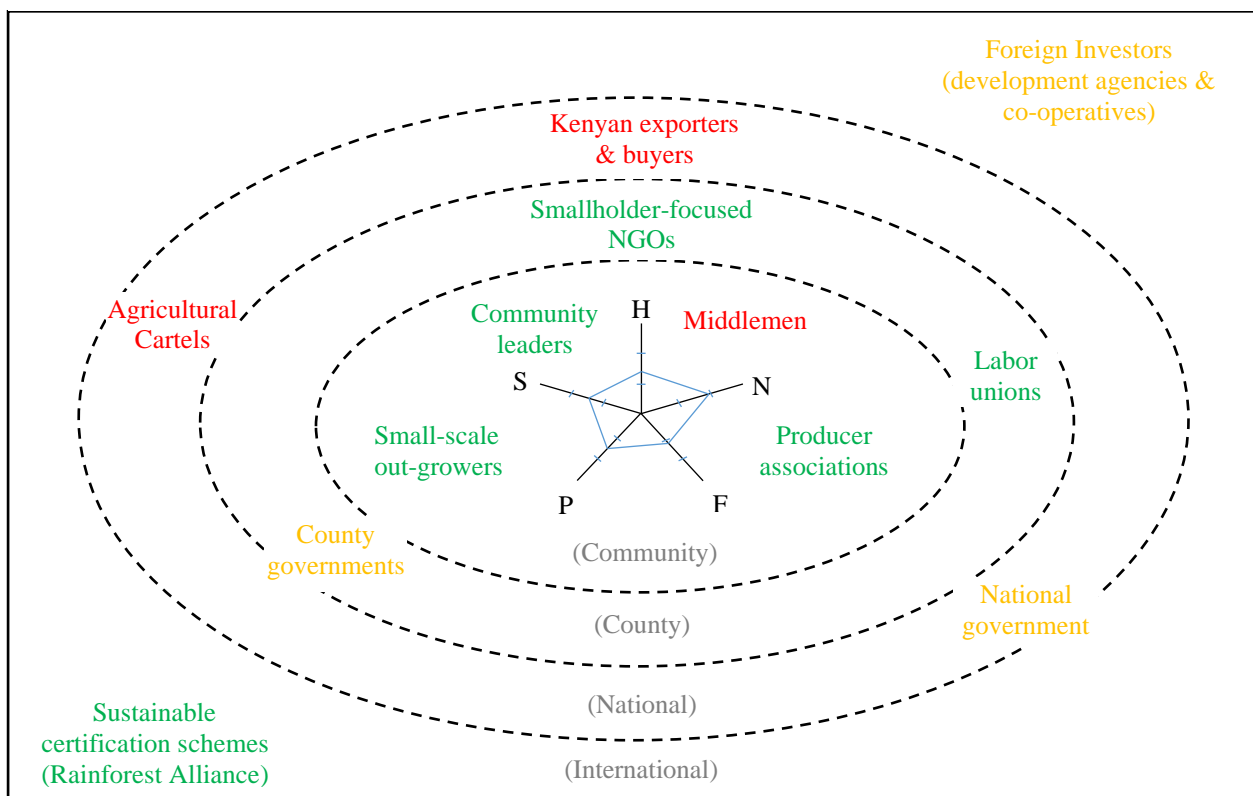


Figure 19: Actors in contract farming affecting the extent of livelihood assets (red: impedes assets; green: contributes to assets; orange: contributes to and impedes assets) across local, regional, national and international levels.

7.1 Significance and Trends of Power Dynamics Between State, Private, and Non-State Actors

Land is used for everything. Land is used to compensate people for their loyalty. Land is used to rob people of their existence.

– Participant #11, May 6, 2020

In the conceptual framework, the theories of political ecology and access were introduced as tools for identifying and synthesizing the power relations among actors that are often claimed to be the roots of conflict over natural resources. To recapitulate, these theories suggest that the transforming institutions and processes in public and private sectors, referred to in the SLF, potentially centralize the power over access and use to natural resources through mechanisms like land reform and contract farming which exploits rural populations and weakens their access to and use of natural resources essential for their livelihoods. By exploring power asymmetries and inequities in livelihood assets between actors across micro and macro scales, the outcomes of land reform and contract farming are contextualized through a multifaceted lens that unearths a myriad of political, social, economic, and ecological influences for state, private, and non-state actors to address when developing and promoting similar approaches to sustainable livelihoods. Furthermore, the dualistic role of land in Kenya as a vital cultural, economic, and ecological source for sustainable livelihoods, yet also a seed for cyclical poverty and power struggle is effectively communicated through the theory of political ecology.

While qualitative data from research participants demonstrated relative comparability of actors in both approaches, the trends in the influence of respective actors differed in land reform and contract farming. Outcomes were rather defined by the varying degrees that state, private and community actors were involved in each approach. In land reform, participants expressed how power dynamics were “always between states and communities [and] the private sector is almost minor in that issue” (Participant #6, April 30, 2020). Conversely, the results regarding contract farming identify a powerplay between farming communities and private actors where there is minimal involvement by the Kenyan government because in most cases out-grower schemes are considered “purely a contract between the farmer and the buyer” (Participant #10, May 5, 2020; Participant #12, May 7, 2020; Participant #8, May 4, 2020). It seems in most cases participants reflected on state and private actors exerting power over community members which could stem from historical power relations identified in the literature review, such as the tendency of past state-run initiatives and policies to make resource users more

dependent on the ruling elite. So, while the formulation of land reform and out-grower schemes emphasized equality, private and public actors' underlying motives were to design progressive-looking mechanisms, that also discretely allowed actors to retain their control over rural populations. One of the participants related this to her observation of resistance among most African governments in giving up land powers bestowed upon them after independence from colonial rule (Participant #6, April 30, 2020). Perhaps there was a fear of the prospect of returning to a situation of social marginalization experienced by all Kenyans during the colonial period. This fear was noticeable among state actors during the post-electoral violence in 2007 which motivated the state to restructure the system in order to appease concerns of rural groups, yet also prevent further conflict which threatened to uproot a centralized and exclusive land governance system favouring certain segments of the population, and marginalizing others.

The power dynamics among non-state, international, and community actors were less visible among research participants who, rather, identified similar degrees of positive and neutral influences, with NGOs collectively supporting farming and pastoralist communities in land registration and agricultural production. Similarly, at the international level, large agencies, co-operatives and certification schemes incentivised out-growers to produce sustainably and financed land formalization programs. Whether these actors contributed to or impeded access to livelihood assets among rural groups will be examined in the following sub-sections that trace the powers and their influence on outcomes of land reform and contract farming from micro to macro scales.

7.2 Micro Level: Arenas for Mobilization, Contestation, & Appropriation

People are infinitely inspired and infinitely resilient.

– Participant #11, May 6, 2020

In figures 17 and 18, the micro level is composed of community and county actors that shape the outcomes for rural livelihoods through land reform and contract farming, the extent of which is contingent on their interests and capacities. In both approaches, community leaders, NGOs and county governments appear as agents influencing the access to livelihood assets displayed at the core of the diagrams. County governments both contribute to and impede sustainable livelihoods through the acquisition and sale of public land and simultaneous support in agricultural production and community registration. Other actors and processes impeding sustainable livelihoods in Kenya with exploitative mechanisms are middlemen,

conflict within families and between communities, family power dynamics, and individuals with capitalist motivations. Meanwhile, NGOs and community leaders along with individual community members, producer associations, and local organisations primarily contribute to livelihood assets through awareness creation, mobilization, empowerment, capacity building, microfinance, and diversification of livelihoods. Despite the community-level inhibitors of sustainable livelihoods, the cumulative influence of micro-scale actors facilitated most access to livelihood assets, particularly compared to macro-scale actors that are primarily labelled in red denoting impediments to livelihood assets.

Community: Rural resource users, community organisations and leaders

Research participants emphasized how key agents of land use change are not always the powerful state and private actors but rather rural inhabitants that were reported to independently mobilize resources for community land governance and management as well as exploit natural resources for profit. The latter is exemplified in cases of land reform implementation when profit-hungry landowners chose to sell their registered land to developers in order to capture the short term gain of natural resources, rather than long-term benefits of ecosystem services (Participant #2, April 28, 2020; Participant #11, May 6, 2020). In the case of tea out-grower schemes, exploitative community members come in the form of tea hawkers. A tea hawker is a middleman that “doesn't actually grow tea themselves but is registered at a factory and buys tea from other farmers...and then supplies a factory,” thus, stealing well-earned profits from out-growers (Participant #1, April 28, 2020). Research participants did not reveal why middlemen were in a more powerful position than out-growers, but it may be rooted in historical positions of a select number of Kenyan farmers being the main beneficiaries of revenue accrued from European plantations during the colonial period (Kanyinga 2009). Inadvertent conflict have also influenced negative outcomes for community livelihood assets, particularly within families where there are embedded gender, age, and income inequities preventing certain family members, like women, to attain access to and use of land in spite of the land reform's provisions empowering marginalized groups (Participant #2, April 28, 2020; Participant #11, May 6, 2020). One participant has also highlighted how discord within and between communities over land boundaries have contributed to a delay in land registration and further resource conflicts (Participant #9, May 4, 2020).

While rural populations consist of exploitative members prompting conflict, financial losses and land commodification, several other communities and individuals utilize land reform and out-grower schemes as well as other bottom-up initiatives to enhance their resilience to external threats and improve environmental, economic and social conditions for rural livelihoods (Participant #11, May 6, 2020). In the selected out-grower schemes, participants observed how several out-growers diversified their livelihoods by seeking off-farm income and alternative income sources, like informal markets, along with cultivating additional crops like maize and kale (Participant #1, April 28, 2020; Participant #8, May 4, 2020; Participant #10, May 5, 2020). In addition, community members organized themselves into decision-making bodies, such as, community land committees and producer associations, that mobilize with other communities to amplify their voices and concerns to macro-level actors threatening their land access and use (Participant #10, May 4, 2020; Participant #5, April 29, 2020). Individuals exhibiting leadership qualities in community organizations are crucial agents in driving positive changes, illustrated in the tea out-grower association that had a chairman who served as an active farmer representative and liaison between stakeholder groups (Participant #1, April 28, 2020).

County: Governments, NGOs and regional associations

At the county or regional level, several non-state actors engaged in land reform implementation and out-grower schemes have significantly enhanced access to livelihood assets by offering direct financial and physical support to out-growers and unregistered, marginalized groups using community lands. Several participants discussing Kenya's land reform worked at local NGOs that have pushed "people-friendly" land policies, created platforms for conflict resolution in communities, raised awareness and shared information on new land policies, fostered inter-community networks in arid and semi-arid territories, monitored implementation of land reforms and built capacity in county land departments (Participant #3, April 29, 2020; Participant #5, April 29, 2020; Participant #7, May 1, 2020; Participant #9, May 4, 2020). Without these essential community allies, described as "watchdogs" by one of the interviewees, communities and their lands would be more vulnerable to powerful and acquisitive actors (Participant #11, May 6, 2020). With several NGOs in Kenya focused on assisting communities in land registration under the recent Community Land Act, other NGOs address the concerns of smallholder farmers engaged in out-grower schemes and export crop production by providing inputs, monitoring impacts of economic shocks or natural disasters on farming

communities, planning adaptation measures, and insuring farmers for crop losses (Participant #6, April 30, 2020; Participant #9, May 4, 2020; Participant #8, May 4, 2020). Rather than perceiving rural inhabitants as victims of state- and private-led marginalization, most non-state actors view communities as agents in accessing, governing and managing their own lands once provided with the toolset to unlock essential livelihood assets.

County governments were viewed by most research participants as dually inhibiting and facilitating access to livelihood assets among communities supported by cases where counties used their position as land trustees to allocate public lands traditionally used by unregistered marginalized groups to investors while in other instances prioritising and addressing community and farmers' concerns. County government's role as land trustees can be historically traced through the literature review which discussed how unregistered communal lands were controlled by county governments since Kenya's independence in the 1960s and contributed significantly to elite capture at the community level. Where counties improved conditions for communities through land reform and out-grower schemes, there was typically an individual leading the county initiatives benefitting rural livelihoods. Participants observed two such cases: 1) a governor in Makueni county who was credited for positive effects of "sustainable land use" because of his keen interest in sustainable land management (Participant #11, May 6, 2020); and 2) a governor in Kericho county who made attempts to improve the conditions of tea farmers (Participant #1, April 28, 2020). The distinct motivations behind the governors' initiatives were unclear by research participants, but some of the participants insinuated political and financial motives in counties with a large constituency of voters and a rich supply of natural resources. However, in several cases the participants asserted that counties did not have the requisite amount of resources to make any positive or negative changes in rural resource users' access to and use of land. This contradicts to the assets held by county governments historically, that according to scholars in the literature review mainly consisted of politically connected and wealthy elite. Absent devolution by the central government was identified as the principal driver of the low capacity among county governments to address land matters and concerns by out-growers (Participant #4, April 29, 2020; Participant #1, April 28, 2020).

Fundamentally, several micro-scale actors subverted the macro-scale powers operating land reforms and out-grower schemes to garner the benefits of land used and managed by rural resource users. Yet, what research participants urge to be recognized in land reform

implementation and out-grower schemes are the power struggles that also exist within community and county levels and the potential for certain actors to engender land contestation, degradation and poverty for their own benefit, depending on the motivation of the person in charge. It is necessary to be wary of these power dynamics and implement measures in approaches to sustainable livelihoods that ensure any livelihood assets distributed to rural groups are not only distributed equitably but monitored regularly to prevent any opportunistic actors from pilfering the benefits derived from land for mercenary motives.

7.3 Macro Level: Obscure & Profit-Oriented Avenues for Sustainable Development

It's all about profit from all angles.

– Participant #12, May 7, 2020

The macro level represents the national and international spheres of influence where resourceful and privileged state and private actors exert their powers over land access and use. Figures 17 and 18 depict a blend of these actors that differ in their range of influence for each approach as explained in section 7.1. Yet the trend for both approaches is the predominance of inhibitors to livelihood assets at the national level, involving profit-oriented cartels and buyers as well as land-hungry ministries and political elite that exacerbate conditions for rural livelihoods through elite capture. The national government in contract farming and the National Land Commission, however, have blurred motives where in some instances they support rural livelihoods and in other instances allow and participate in the manipulation of community and county actors. The international level in both approaches exerts a considerable amount of influence in financial livelihood assets in state, county and community levels but more limited and cautious engagement as international development agencies and foreign investors tend to avoid overt interference in state and community land issues. Research participants stress the need to identify and confront the overarching influences in national and international levels that impede access to livelihood assets and halt progress of Kenya's sustainable development interventions in fostering sustainable livelihoods.

National: State Government and Kenyan Companies

In the case of Kenya's land reforms, the national government played a dominant role in the lack of substantive or positive outcomes for rural livelihoods. Research participants who conducted recent research and work on the devolution of land functions discovered that "the central government was not ... giving up any of its centralized powers over land" as a result of

powerful actors in the Ministry of Lands (MoL) blocking progressive provisions in land policies and delaying implementation of land reform in order to retain full control over resource access and use (Participant #2, April 28, 2020; Participant #4, April 29, 2020; Participant #6, April 30, 2020). In fact, many research participants observed segments of the government participating in land grabs by broadening the scope of the public land category to incorporate communal lands that nomadic groups, such as, pastoralists, depend on for their livelihoods (Participant #6, April 30, 2020).

Many of the acquisitive actors from the supposedly disempowered MoL have, additionally, infiltrated the National Land Commission (NLC), meant to be an independent body absorbing the critical land functions of the MoL (Participant #2, April 28, 2020). Thus, the “new constitution and new laws are on the shoulders of actors who are yesterday's stewards” that “systematically continue to disadvantage certain areas in certain counties,” contradicting the intentions of the NLC’s role that was stated by scholars in the literature review to prevent manipulation of land laws by political elite (Participant #9, May 4, 2020; Participant #11, May 6, 2020). However, a few participants also observed different ways that the NLC appeases community concerns on land matters by holding hearings for public participation and recommending alternative dispute resolution at the community level. This aligns with perceptions of one participant on the limited, yet, visible government support for smallholder farmers by, for example, making fertilizers more affordable (Participant #8, May 4, 2020). These observations characterize the NLC and agricultural ministries of Kenya’s state government as powerful entities over land management capable of impeding and facilitating access to livelihood assets, hinged on the basic degree of support they provide for rural livelihoods.

In addition to the Kenyan state, exporters or buyers that operate out-grower schemes contributed to the privatization and unsustainable management of natural resources and social marginalization of rural communities. This outcome is epitomized by Kenya’s sugar industry where investor-farmer partnerships failed due to significant debts generated by “vested interests,” known as cartels, “who subvert the system,” embezzle money, and exclude “people with a quieter, less powerful voice” from agricultural profits (Participant #2, April 28, 2020; Participant #8, May 4, 2020). Overall, the national government’s and buyers’ centralized, top-down and capitalist control has culminated in land commodification, dispossession of livelihood assets, a public distrust of state-led initiatives to formalize land and improve

agricultural productivity, and increased vulnerability of rural livelihoods to exploitation (Participant #2, April 28, 2020; Participant #8, May 4, 2020; Participant #11, May 6, 2020).

International: Development Agencies and Investors

At the international level there is a cluster of influential actors that have sweeping impacts at the local level conditional to the specific approach to sustainable livelihoods. In the implementation of land reforms there are international development agencies, including the World Bank and USAID, that are involved through discrete means. As staunch supporters of land titling through the statutory land governance system, these international actors indirectly influence outcomes for rural livelihoods “behind the scene” by financing land formalization programs through the MoL (Participant #8, May 4, 2020; Participant #7, May 1, 2020). Their motives of land individualization and privatization “as a supposed means to land security” and poverty alleviation, may be perceived as positive, yet also poses adverse effects on rural livelihoods by disregarding community values of collective land ownership among several marginalized and indigenous groups in Kenya and imposes neoliberal, political agendas that disrupt community relations (Participant #11, May 6, 2020; Participant #7, May 1, 2020). This explains the international actors’ category in Figure 17 as simultaneously impeding and facilitating livelihood assets.

In Kenya’s out-grower schemes, international actors are often directly engaged and, therefore, a pronounced influence on conditions for out-growers, particularly as their roles of input providers and financial donors to producer associations. However, this also implies a withdrawal of state support, which is still needed at decentralized levels. In the selected out-grower schemes, research participants described the intent of international buyers as profit-oriented, rather than charitable, which means if they don’t make enough money “they will just cut off the activity” and invest elsewhere (Participant #1, April 28, 2020; Participant #8, May 4, 2020). This puts many smallholder farmers at a disadvantage by depending on unreliable, wealthy foreign investors for their principal income (Participant #10, May 5, 2020). Smallholder farmers are also consequentially excluded from these schemes where foreign investors are solely interested in profit and efficiency that entails partnering with asset-rich, large-scale farmers who can cope with the production risks of farming (Participant #12, May 7, 2020). So, while foreign investors in these schemes are the main contributors to financial and physical livelihood assets, they, likewise, endanger rural livelihoods and expose them to

more exploitation. An exception is sustainable certification schemes that were commended by participants for their widespread influence of incentivizing sustainable agricultural practices and providing out-growers access to a thriving, global market of organic products, contributing significantly to natural and financial livelihood assets (Participant #1, April 28, 2020; Participant #10, May 5, 2020).

The analysis of macro level actors' influence on the outcomes for rural livelihoods affirms the standard narrative of a stark power imbalance between stakeholders in micro and macro scales, where Kenyan exporters and the national government centralize the power and encumber the sustainability of rural livelihoods. The findings from participants demonstrate that rather than foreign investors at the international level being the culprits of exploitation at the community level, actors at the national level are the main impediments to sustainable livelihoods, supporting recent research claims of national elites and domestic companies as the drivers of land grabbing. One of the participants refers to this directly after observing "a general tendency towards having a bit more trust towards international organizations than local ones" among tea out-growers (Participant #1, April 2020). With this mistrust of the state and domestic buyers prevalent among rural communities in Kenya, approaches such as land reform and contract farming driven by state and private actors at the macro level are destined to fail, unless land powers are adequately devolved and an equal playing field is ensured in contracts.

7.4 Definitions of Success for Approaches to Sustainable Livelihoods

If you actually give people a productive asset and give them the means to work it... and suddenly they can make a livelihood for themselves.

– Participant #2, April 28, 2020

Due to multiple actors across scales influencing the outcomes of land reform and contract farming for rural livelihoods, several research participants were unable to determine the success of these two approaches to sustaining rural livelihoods in Kenya. Nevertheless, the Kenyan and international researchers and practitioners offered their vision of an out-grower scheme and land reform that addressed the concerns of rural livelihoods and contributed to social, human, natural, physical and financial livelihood assets. While not directly mentioned by research participants, these definitions of success build on the guidelines set by international agreements discussed in the literature review. The diverse yet comparable visions based on the participants' respective experiences and views were unpacked and synthesized into a set of components

encompassing a successful approach to securing land access and use for sustainable livelihoods in Kenya, listed and described below:

1. Facilitate rural inhabitants' understanding of approaches and accompanied impacts through decentralized and extensive awareness creation.

The research participants stressed the need for access to information on land laws and contracts in out-grower schemes by rural inhabitants in order to fully understand and balance the benefits and costs of each approach before rural groups choose to engage (Participant #9, May 4, 2020; Participant #7, May 1, 2002; Participant #3, April 29, 2020). The outcome of awareness creation at the local level is transparency of the components, implications and objectives of approaches so that rural dwellers “know what they’re getting into” (Participant #12, May 7, 2020; Participant #10, May 5, 2020). Awareness creation can be in the form of trainings coordinated by local organisations, such as producer associations and community land committees, that are capable of liaising between stakeholders and translating complex contract or policy language into intelligible information (Participant #10, May 5, 2020).

2. Provide necessary tools for rural livelihoods to access, govern, use, and manage land.

A successful approach to sustainable livelihoods would provide a toolset combining the key features of contract farming and land reform: agricultural inputs, credit and private or community land titles. These tools are essentially the ingredients for rural inhabitants to access and use their land in a productive and safe way. Livelihoods that depend on land can only be sustainable when rural dwellers are supplied with secure land titles, organic inputs, and credit simultaneously granting them a reliable income and thwarting exploitation by powerful actors (Participant #2, April 28, 2020; Participant #3, April 29, 2020; Participant #8, May 4, 2020).

3. Devise, negotiate and implement the approaches in a democratic, environmentally friendly, efficient and symbiotic manner.

Several participants referred to appropriate means of formation, negotiation and implementation of the land laws and contracts in order to prevent powerful actors at the national and community level from continuing to disadvantage rural livelihoods. In particular, the rapid yet democratic process of implementation was suggested as a way for trustworthy actors to

assume authority positions and responsibly manage land access and use for rural livelihoods (Participant #7, May 1, 2020; Participant #11, May 6, 2020). Resources will also need to be equitably distributed across Kenyan counties and communities so that local-level governments have the capacity to fulfil their land functions. This would empower out-growers to apply measures for the direct negotiation of contracts with buyers so that money is not lost to middlemen or other exploitative actors (Participant #1, April 28, 2020). One participant demanded the integration of provisions for sustainable land management when devising approaches, such as “quality standards and production standards [that] can potentially influence people’s awareness about the kinds of things that people are putting into their soils” (Participant #11, May 6, 2020). Overall, the formation, negotiation and implementation of approaches would be guided by a coherent objective oriented around fostering symbiotic relationships among stakeholders (Participant #10, May 5, 2020; Participant #12, May 7, 2020).

4. Ensure cooperation and equal participation in decision-making processes.

One of the main strengths of the selected out-grower schemes and land reforms in Kenya was channelling participatory decision-making into communities over land access and management. But for public participation to fully empower and sustain rural livelihoods, these cooperative structures need more oversight of external bodies that ensure organization, cooperation, knowledge exchange, and amplification of marginalized voices across micro and macro levels (Participant #4, April 29, 2020; Participant #8, May 4, 2020; Participant #10, May 5, 2020).

5. Equitably allocate direct financial support and compensation to mitigate impacts of external stressors.

In both approaches, rural communities were already being impacted by the latest external stressors of locust swarms and the economic repercussions from the COVID-19 pandemic, causing widespread concern for a substantial rise in land tenure insecurity, poverty and hunger. These and other threats to land access and use among rural livelihoods will only worsen unless wealthy state and private actors commit to providing “holistic compensation” and insurance coverage for losses of livelihood assets, most particularly financial (income), natural (land), and physical (inputs for food production) (Participant #4, April 29, 2020; Participant #8, May 4, 2020). Two participants suggested large-scale buyers in out-grower schemes partner with agricultural insurance providers to craft an affordable insurance package for rural communities to mitigate risks which would, consequently, fuel more local investments in agriculture

provided that more people are secured against threats of locust swarms and economic recessions (Participant #4, May 4, 2020; Participant #12, May 7, 2020).

These five components of success synthesized from the inputs of a select number of Kenyan and international researchers and practitioners are not completely representative of the current demands of rural dwellers in Kenya, but they are steppingstone to understanding what is initially needed to establish a foundation for successful approaches to sustainable livelihoods. One may notice that some of the components are already integrated in Kenya's land law reform and out-grower schemes, but it is crucial to understand that a component by itself will not be successful in securing access to and use of land for sustainable livelihoods. The streamlined components also align closely with internationally set guidelines on responsible governance and investment in land, including the facilitation of cooperation, creation of positive stakeholder partnerships, provision of fair and timely consumption and promotion of sustainable land management practices.

7.5 Concluding Remarks

The micro- and micro-level power dynamics of out-grower schemes and land reforms in Kenya are imperative to painting a well-rounded picture of the political, economic, and social context around the implications of these approaches to securing land access and use for sustainable livelihoods. By integrating the theories of political ecology and access with the SLF into the diagrams in Figures 17 and 18, the components in the web of contributions and impediments to livelihood assets are broken down, indicating the key actors influencing outcomes for rural livelihoods. While there is no designated method in this thesis for calculating the degree of influence among actors, it can be deduced from the qualitative data that the national government in regards to land reform and buyers pertaining to out-grower schemes are the most powerful actors driving the adverse nature of outcomes, based on several accounts from participants on their appropriation of livelihood assets. However, the presence of NGOs and leaders at micro levels confronted the state- and private-led impediments to livelihood assets by enhancing the resilience and diversification of rural livelihoods with capacity building, knowledge exchange, and allocation of financial and physical resources. The identification of influential actors in Kenyan land reform implementation and out-grower schemes that have generated the positive and negative outcomes for rural livelihoods demonstrate how the potential of approaches to contributing to sustainable livelihoods are constrained by existing power structures. It is only once these influences and their underlying motives are addressed

that contextualized components of success for sustainable livelihoods can be formulated and added to the definitions of sustainable mechanisms established by the research participants in this thesis.

8 Conclusions and Recommendations

Through an extensive literature review and insightful interviews with critical actors from across Kenya's land governance system and out-grower schemes, this thesis examined the implications of the public-private institutional tools of land law reform and contract farming on the sustainability of rural livelihoods in Kenya. It also identified the stakeholder influences on these reforms and initiatives, as well as the components for their success. By applying a hybrid conceptual framework of sustainable livelihoods, political ecology and access, the thesis answered: 1) How Kenya's latest land reforms affected the sustainability of rural livelihoods; 2) how contract farming projects altered the sustainability of rural livelihoods; and 3) what the roles are for micro- and macro-scale actors in shaping and defining sustainable outcomes of land reform and contract farming.

In terms of the first research question, the inputs and views of research participants demonstrated how Kenya's reformed land governance system indirectly contributed to a rise in autonomy and empowerment among rural communities in northern and eastern Kenya, representing more social and human livelihood assets. This finding is supported by observations of an increased number of public interest cases, an emergence of elected land committees, public participation in land governance and support on land issues for marginalized groups. Other findings from the interviews identified adverse outcomes from land reforms, including unsustainable management of natural resources among registered landowners and continued marginalization of remote populations, indicating a reduction in natural and human livelihood assets. These outcomes were in part due to the land reform's neglect of substantive, decentralized support and awareness creation on land titling and the prioritization of economic development at the expense of a healthy environment. The commercial value of natural resources, responsiveness of communities to land issues, and the presence of historically marginalized groups, along with external stressors, were among the external mechanisms instrumental in the identified outcomes. Direct impacts of the land reform on rural livelihoods were unidentified because of the slow and recent implementation of land policies and the presence of other interventions contributing to rural livelihoods in the same areas, making it difficult to denote causality.

The findings for the second research question were based on four case studies of out-grower schemes producing tea, avocados, and poultry located throughout central and western Kenya

and which all used a hybrid intermediary and informal contract farming business model. While the schemes differed in several characteristics, such as geographical scope and product type, there were a few common and predominantly negative effects on the sustainability of rural livelihoods, involving the exclusion of asset-poor farmers, miscommunication by buyers on contract stipulations, disproportionate risk distribution, increased vulnerability to price fluctuations and neglect of adequate financial support to cope with external stressors. The negative outcomes outnumbered the few positive impacts recognized in the tea out-grower scheme, such as sustainable agricultural practices, financial inclusion, consistent input supply and cooperation, constituting a below average contribution to all livelihood assets – especially financial – by the selected out-grower schemes. The negative outcomes pose long-term effects that involve a widened income gap, indebtedness, and food insecurity among farming communities. The mechanisms influencing the low extent of livelihood assets were identified as product type, amount and wealth of out-growers, title deeds, trading conditions, informal markets and the presence of unions.

In the third research question, the inputs of research participants designated diverse agents shaping the outcomes of land reform and contract farming in Kenya, contributing to changes in the conditions for sustainable rural livelihoods. Power dynamics influenced the outcomes for rural livelihoods within and across micro and macro levels, with actors in land ministries exploiting the weak capacities of historically marginalized community members through land reform and Kenyan buyers or exporters appropriating the livelihood assets of out-growers in the selected out-grower schemes. A trend identified in both approaches were NGOs supporting community power struggles against state and private actors that constrained their access to livelihood assets, and international agencies and foreign investors supporting statutory land registration schemes and the buyers in out-grower schemes with mixed financial, social development, and environmental motives. A few exceptions contradicted the common narrative of macro and micro level power imbalances, including cases at the community level where rural inhabitants used new land power to capitalize on natural resources involving the sale of communal lands to investors, ultimately prompting land commodification. Another case was found at the international level where sustainable certification schemes mostly contributed livelihood assets to out-growers by incentivizing sustainable land use practices that open their access to new markets and encourage livelihood diversification.

In consideration of the deeper structural influences of land reform and contract farming outcomes on rural livelihoods in Kenya, research participants collectively suggested a synthesized set of components for successful approaches to sustainable livelihoods. The definition of success linked to and complemented the UN principles on awareness creation, capacity building, equality, democracy, transparency, benefit sharing, trust, symbiosis, cooperation, and just compensation. It is abundantly clear that contract farming and land reform has the potential to provide rural livelihoods the essential tools and avenues for sustainable and equitable access and use of natural resources, depending on the interests, capacities, and societal positions of interacting stakeholders. However, research participants' views demonstrate that thus far the behaviour and adverse influence of acquisitive state and private actors driving land reforms and out-grower schemes constrain sustainable access and use of land among rural livelihoods by preventing devolution of land powers and imposing an unequal playing field.

Based on the findings of underlying structural factors on outcomes for rural livelihoods, this thesis cannot determine the comprehensive success of contract farming and land reform in securing access to and use of land for rural livelihoods, that were predominantly constrained according to the views of researchers and practitioners. Instead this study identifies priority areas for practitioners and researchers on land reform and contract farming in Kenya to consider in their future work to improve the conditions for rural communities. Some of the weakest aspects of land reform and contract farming that demand not only attention, but redress, are identified below:

1. Prevalence of profit-oriented motives among community, county, state, and international actors, motivating environmental damage through land commodification (**natural**);
2. Lack of direct and decentralized financial support during crises (**financial** and **physical**);
3. Exclusion of poor, marginalized, and remote communities in land registration and participation in out-grower schemes (**social**);
4. Lack of knowledge in contract negotiation contributing to the exploitative nature of farmer-investor partnerships (**human**);
5. Centralization and appropriation of functions to govern and manage land among buyers and land ministries.

Through a synthesis of academic and non-governmental perspectives, this research demonstrated a prevalent uncertainty on whether land reform and contract farming worsened or improved conditions for rural livelihoods. Rather, crucial insights emerged from this research on the numerous strengths and weaknesses of land reform and contract farming in Kenya and the need for extensive, regular monitoring of impacts to deepen understanding on how there may be different outcomes across the interventions' stages, such as design, implementation, or management. By discovering the varied contributions and impediments for rural livelihoods to access assets, it became clear that even if a policy on land governance or a contract for an out-grower scheme encompasses the concerns and addresses the needs of rural livelihoods, the outcomes could still be contradictory based on the interplay of other unprecedented internal and external mechanisms occurring in later stages or processes of the intervention.

As a result of asking participants for views on two different approaches through the lens of analytical frameworks, an overall takeaway was not only the accentuated value of land access and use for several stakeholder groups across local and international scales, but land's imperative role in converging two separate interventions affecting land governance and management at the level of the small-scale producer whose livelihood is consequently enhanced and constrained in a myriad of ways. Several participants raised questions and views on combining two, unrelated approaches, such as land reform and contract farming, in one study. Yet, I encourage people planning development approaches to start thinking about and approaching different mechanisms affecting rural livelihoods in an integrated way, in order to deepen understanding on how strong institutional tools with different motives and processes cumulatively address the needs of the farmer who is affected by several mechanisms simultaneously. If an approach to sustainable livelihoods is devised in isolation of other pre-existing approaches, then outcomes will be more unpredictable because the approach is unaware of how other interventions are already constraining or enhancing rural livelihoods.

The hybrid theoretical approach of this thesis, crucially, generated a new methodology for practitioners to utilize when planning interventions for sustainable development, which ultimately builds on the SLF advanced by UNDP (2017). By locating the mechanisms controlling the extent of livelihood assets and navigating the power relations among actors, a successful approach to sustaining rural livelihoods can be devised in a socially, economically, and environmentally balanced manner. Finally, the major implication of this study is its unique

contribution to literature by being one of the first to compare the processes and outcomes of land reform and contract farming, two interventions affecting rural groups' access to and use of land, that are typically investigated separately according to their respective academic fields.

With the sole inclusion of non-governmental and academic perspectives on approaches as a result of constraints in data collection imposed by COVID-19-related travel restrictions, this study is limited and biased in its representation of stakeholder roles and motives in the outcomes of land reform and contract farming. Further research is needed on the experiences and views among rural resource users, county and state government officials as well as private companies and local farming co-operatives. This would complement the new questions emerging from the third research question which suggest further reflection on historically defined relationships and processes among actors in order to comprehensively identify the root of the constantly evolving power relations affecting the outcomes of state and private interventions. With respect to countries like Kenya characterised by a large and diverse indigenous population, additional research on approaches to securing land access and use for sustainable livelihoods could benefit from examining the influence of land power dynamics among tribes on the conditions for rural livelihoods, and how this may constrain or facilitate their access to livelihood assets. Future research could also investigate another important knowledge gap, namely the need for substantive data on the exclusive, environmental implications of Kenya's land reform and out-grower schemes that are otherwise primarily guided by economic and social objectives.

The secure access to and productive use of land as an instrument of livelihoods for the majority of populations across developing counties is progressively threatened in a time where resources are becoming scarcer and sudden environmental and economic shocks are increasing in frequency, ultimately demanding a stronger focus among scholars and practitioners exploring and assessing interventions for sustainable development. By redirecting attention to these important questions on mechanisms of benefit flow and the influence of uneven power structures, it may be possible to advance the possibility for small-scale landholders in Kenya to achieve the sustainable livelihoods that would not only enhance their own quality of life but also meet the social, environmental and economic objectives to which Kenya's land reforms and out-grower schemes aspire.

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Personal Communications

Participant #1. PhD student. Semi-structured interview. Online, 28 April 2020.

Participant #2. Professor. Semi-structured interview. Online, 28 April 2020.

Participant #3. Employee at International Agency. Former Employee at Kenyan NGO. Semi-structured interview. Online, 29 April 2020.

Participant #4. Employee at Kenyan NGO. Former employee at International Agency and Kenyan NGO. Semi-structured interview. Online, 29 April 2020.

Participant #5. Employee at Kenyan NGO. Online, 29 April 2020.

Participant #6. International specialist and researcher. Semi-structured interview. Online, 30 April 2020.

Participant #7. Employee at Kenyan NGO. Semi-structured interview. Online, 1 May 2020.

Participant #8. Employee at Kenyan NGO. Semi-structured interview. Online, 4 May 2020.

Participant #9. Director of Kenyan NGO and international consultant. Semi-structured interview. Online, 4 May 2020.

Participant #10. PhD student. Semi-structured interview. Online, 5 May 2020.

Participant #11. Employee at International NGO. Former PhD student. Semi-structured interview. Online, 6 May 2020.

Participant #12. Employee at International NGO. Former researcher. Semi-structured interview. Online, 7 May 2020.

Appendix 1: Interview Guides

Interview Guide: Land Reform (LR)

Purpose

- Gain unique insights from NGO practitioners and academic researchers on the implications of Kenya's devolved land governance system and accompanied reforms on the sustainability of rural livelihoods (RQ1).
- Deepen understanding of the roles among state, NGO and private actors in shaping sustainable outcomes for rural livelihoods through land reform (RQ3) and to ultimately determine whether land reform is a restriction or opportunity for sustainable livelihoods.
- Apply an analytical frame by investigating the power relations of different actors (political ecology), the distribution of benefits among stakeholders (access), and the extent of and type of livelihood assets that land reform provides to marginalized, rural populations (sustainable livelihoods).

Introduction

- Hello my name is Sara Velandar and I am a master's student in environmental science, policy and management at Central European University.
- I am interviewing researchers, practitioners, and independent experts for my thesis research on how changes in land policies (LR) and collective agricultural business models (CR) have affected people on the ground, particularly smallholder farmers and other rural groups dependent on natural-resource-based livelihoods.
- In this interview, I aim to gain unique insights from your experience and/or knowledge of Kenya's recent land reform, its impacts on rural livelihoods, and the roles of different actors/stakeholders in shaping outcomes at the local level.
- [Many of these questions are modeled after the content in UNDP's 2017 Guidance Note on the Application of the Sustainable Livelihoods Framework in Development Projects.]
- Before we start the interview, which I estimate will take about an hour, I would like to ask your permission to record? The recording is solely for personal use and will not be shared publicly.

Informed Consent:

- *(start recording)* In compliance with the ethical guidelines on research of Central European University, I claim that there are no particular risks to participating in this study, as the questions are non-controversial and not personal.
- I will keep your identity anonymous in the final report...
- *(for researchers or officials)* unless you give explicit permission to use your name.
- Your participation in this study is voluntary and no compensation will be offered. Please share only what you are comfortable with sharing.
- You may decline to participate, or you may choose not to answer any particular questions that I ask.
- If you change your mind about participating, you may stop the interview or your involvement in the study at any time.
- Do you agree to participate in this research? *(Yes/No)*

Questions

Overview & Definitions

1. Please tell me your name, your organization or institution, and what past and current projects/research you have done/are doing on land issues in Kenya?
 - a. What are the goals of your project/work?
2. Can you briefly explain the story and rationale for the recent land reform in Kenya (particularly, the 2009 National Land Policy, 2010 Constitutional Provisions, and the 2016 Community Land Act)?

Perceptions on Roles of Actors & Livelihood Outcomes

3. What is your general perception of these land policies and their impacts on rural Kenyans' relationship and history with the land? What have been their successes and failures?
 - a. Have your perceptions changed over time? If so, why?
4. What is your definition of a successful outcome from Kenya's land reform for rural livelihoods?
 - b. Are there any barriers to this outcome? If yes, what are the barriers?
5. What are the roles of state, private, and non-governmental entities in the devolved land governance system?
6. How have these actors/stakeholders influenced the implementation of land reform and contributed to rural livelihoods? Who is making most decisions and how?

Impacts of LR

HUMAN CAPITAL

7. How is information on Kenya's land reform and its influence on access to and use of land disseminated to rural populations?
8. Did rural populations have a chance to provide inputs to the land reform process?
9. What is the level of knowledge of a given rural population on their land rights as determined by the land reform? What if anything is being done to improve the level of knowledge of rural households? Is traditional knowledge still present among rural groups and are they able to make use of it?
10. Is there evidence that risks have been reduced after titling?

SOCIAL CAPITAL

11. What is the level of land tenure security among rural populations after the land reform and accompanied devolution of land governance?
 - a. Has the access to and management of land changed as a result?
12. Did the land reform account for intra- household disparities such as in gender relations, and community power relations? If so, how? Please explain.
13. Does the land reform rely on existing or help establish new social networks and consistent communication between out-growers and other stakeholders in order to facilitate innovation and knowledge exchange on land access and management? Any concrete examples? Please explain.
14. How does LR strengthen and/or weaken local institutions? Please explain.

NATURAL CAPITAL

15. How has the land reform impacted the productivity or the depletion of natural resources (water, forests, fertile soils and land)? Any concrete examples? Please explain.
16. Has there been an observed rise or fall in conflict over natural resources since the implementation of land reform? Please explain.

PHYSICAL CAPITAL

17. Does Kenya's land reform support or hinder the development of local infrastructure (road, transport, housing, safe buildings, sanitation services, clean & affordable energy)? If so, how?
 - b. Is infrastructure development appropriately distributed?

FINANCIAL CAPITAL

18. What types of financial services/support is offered by county and national authorities for accessing and using land among rural groups? Is this a result of the land reform or other regulations?
19. How are financial resources distributed across the population? Which groups have most access to financial resources for land access and use?
20. Which actors provide most financial support to rural communities in sustaining livelihoods?
21. Do you have any additional information and suggested contacts you would like to provide on the topic of land reform and rural livelihoods in Kenya? Are there any rural community members affected by land reform with whom you have contact with and it might be possible to schedule a WhatsApp or phone call?

Interview Guide: Contract Farming (CF)

Purpose

- Gain unique insights from NGO practitioners and academic researchers on the sustainability of Kenya's contract farming projects for rural livelihoods (RQ2).
- Deepen understanding of the roles and extent of success among state, NGO and private actors in shaping sustainable outcomes for rural livelihoods through contract farming (RQ3) and to ultimately determine whether contract farming is a restriction or opportunity for sustainable livelihoods.
- Apply an analytical frame by investigating the power relations of different actors (political ecology), the distribution of benefits among stakeholders (access), and the extent of and type of livelihood assets that contract farming provides to marginalized, rural populations (sustainable livelihoods).

Introduction

- Hello my name is Sara Velandar and I am a master's student in environmental science, policy and management at Central European University.
- I am interviewing researchers, practitioners, and independent experts for my thesis research on how changes in land policies (LR) and collaborative agricultural business models (CR) have affected people on the ground, particularly smallholder farmers and other rural groups dependent on natural-resource-based livelihoods.
- In this interview, I aim to gain unique insights from your experience and/or knowledge of contract farming projects (A.K.A. out-grower schemes) in Kenya, its impacts on rural livelihoods and the roles of different actors/stakeholders in shaping outcomes at the local level.
- Many of these questions are modeled after the content in UNDP's 2017 Guidance Note on the Application of the Sustainable Livelihoods Framework in Development Projects.

- Before we start the interview, which I estimate will take about an hour, I would like to ask your permission to record? The recording is solely for personal use and will not be shared publicly.

Informed Consent:

- *(start recording)* In compliance with the ethical guidelines on research of Central European University, there are no particular risks to participating in this study, as the questions are non-controversial and not personal.
- I will keep your identity anonymous in the final report...
- *(for researchers or officials)* unless you give explicit permission to use your name.
- Your participation in this study is voluntary and no compensation will be offered. Please share only what you are comfortable with sharing.
- You may decline to participate, or you may choose not to answer any particular questions that I ask.
- If you change your mind about participating, you may stop the interview or your involvement in the study at any time.
- Do you agree to participate in this research? *(Yes/No)*

Questions

Overview & Definitions

1. Please tell me your name, your organization or institution, and what past and current projects/research you have done/are doing on land issues in Kenya?
 - a. What are the goals of your project/work?
2. What case studies of contract farming in Kenya did you work on (ex: Mumias, Western Sugar, Kenya Tea Development Agency etc.)?
 - a. What is the cash crop?
 - b. Did the project involve smallholders, medium- and large-scale farmers, and/or migrant labour?
 - c. Which county(ies) in Kenya are/were out-growers located?
 - d. What contract farming business model was used (nucleus, centralized, informal, intermediary, or multipartite)?
 - e. How did out-growers own or have access to the land? Did any of them have previous histories on this land?

Perceptions on Roles of Actors & Livelihood Outcomes

3. What is your general perception of contract farming projects in Kenya and their impacts on rural populations' relationship and history with the land? What are their main successes? What are their shortcomings?
4. What is your definition of a successful contract farming project for rural livelihoods in Kenya?
 - a. Are there any barriers to this outcome? If yes, what are the barriers?
5. What are the roles of state, private, non-governmental entities and other stakeholders involved with contract farming projects?
 - b. Who speaks on behalf of smallholder farmers in out-grower schemes?
 - c. How did they negotiate the contract?
6. How did various actors influence contract farming and contribute to rural livelihoods of smallholders? Who is making most decisions and how? What are power dynamics?

Impacts of CR

HUMAN CAPITAL

7. How did the schemes affect the physical and mental health and well-being of out-growers?
8. What are the conditions of the contracts (who owns land and means of production, length of labor contracts, remuneration, health, pension & other benefits, what processes do they have to follow?
9. Who is able to join the scheme? Is anyone excluded and on what basis?
10. What is the level of knowledge among out-growers on their rights as stipulated in the pre-determined contract? What if anything is being done to improve the level of knowledge of producers? Is traditional knowledge still present among out-growers and are they able to make use of it?
11. Have contract farming business models strengthened or weakened a smallholder farmer's capacity to access and sustainably manage natural resources and increase their food security and food sovereignty? If so, how?

SOCIAL CAPITAL

12. What is the level of land tenure security among rural populations involved with contract farming projects? [are there any issues with land tenure among out growers?]
13. What are the socioeconomic differences within groups of smallholders involved in contract farming projects (ex. gender and community power relations)? How do cultural norms influence this?
14. Do investors of contract farming projects typically account for any of these disparities? If so, how?
15. Do contract farming projects rely on existing or help establish new social networks and consistent communication between out-growers and other stakeholders in order to facilitate innovation and knowledge exchange on cultivation practices and labour conditions? Any concrete examples? Please explain.

NATURAL CAPITAL

16. How have contract farming projects impacted the productivity or the depletion of natural resources (water, forests, fertile soils and land)? Any concrete examples? Please explain.
17. Are the crops sustainably certified?
18. Has there been an observed rise or fall in conflict over natural resources since the implementation of contract farming projects? Please explain.

PHYSICAL CAPITAL

19. Do contract farming projects support or hinder the development of local infrastructure (road, transport, housing, safe buildings, sanitation services, clean & affordable energy)? If so, how?
 - d. Is infrastructure development appropriately distributed? culturally relevant/ appropriate?

FINANCIAL CAPITAL

20. What types of financial services/support (wages, loans etc.) is offered by investors in contract farming arrangements?
21. How are financial resources distributed across the population of out-growers? Which groups have most access to financial resources for contract farming?
22. What is the contribution of payments from out-grower schemes for family balance sheets? How does it affect the family's ability to meet the cost of living and weather economic hardships?
23. Do investors provide most financial support to rural communities in sustaining livelihoods? Or do smallholder farmers attain most financial support from other actors? Please Explain.

24. Do you have any additional information and suggested contacts you would like to provide on the topic of contract farming and rural livelihoods in Kenya? Are there any groups of farmers involved in these schemes with whom you have contact with and it might be possible to schedule a WhatsApp or phone call?

Annex 2: Scoring Tables for Pentagons of Livelihood Assets

Land Reform

	Livelihood Assets				
	Natural	Human	Financial	Physical	Social
Scores (0-3)	0.5	2	1	1	3
Contribution	Almost none	Average	Limited	Limited	Abundant

Selected Out-grower Schemes

Contract farming – total

	Livelihood Assets				
	Natural	Human	Financial	Physical	Social
Scores (0-3)	1.9	1.4	1.3	1.4	1.4
Contribution	Average	Below Average	Almost Limited	Below Average	Below Average

Tea out-grower association

	Livelihood Assets				
	Natural	Human	Financial	Physical	Social
Scores (0-3)	2.5	2	1.5	2.5	2
Contribution	Almost abundant	Average	Below average	Almost abundant	Average

Tea with KTDA

	Livelihood Assets				
	Natural	Human	Financial	Physical	Social
Scores (0-3)	1	1.5	1.5	1	1
Contribution	Limited	Below average	Below average	Limited	Limited

Avocado

	Livelihood Assets				
	Natural	Human	Financial	Physical	Social
Scores (0-3)	2	1	1	1	1.5
Contribution	Average	Limited	Limited	Limited	Below average

Poultry

	Livelihood Assets				
	Natural	Human	Financial	Physical	Social
Scores (0-3)	2	1	1	1	1
Contribution	Average	Limited	Limited	Limited	Limited